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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

Agenda No. 9
05/25/10

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

#13 AUGUST 3, 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**Re: PROJECT NUMBER R2005-03503-(1)
CONDITIONAL USE PERMIT NUMBER 2008-00136-(1)
FIRST SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit to authorize the sale of alcoholic beverages for off-site consumption and the use of a drive-through pharmacy window at the vacant, former Golden Gate Theater building located at 909 and 933 South Atlantic Boulevard in the unincorporated East Los Angeles area, Eastside Unit No. 1 Zoned District. At the completion of the hearing you certified the Final Environmental Impact Report and indicated an intent to approve the permit and instructed us to prepare final documents for approval. Enclosed are findings and conditions as well as Findings of Fact and Statement of Overriding Considerations prepared in compliance with the California Environmental Quality Act for your consideration.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By

Elaine M. Lemke
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APPROVED AND RELEASED:

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EML:vn
Enclosures

HOA.713088.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. R2005-03503-(1)
CONDITIONAL USE PERMIT NO. 2008-00136-(1)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Project No. R2005-03503-(1), consisting of Conditional Use Permit No. 2008-00136-(1) ("CUP") on May 25, 2010. The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the CUP on May 13, 2009, August 19, 2009, October 21, 2009, October 28, 2009, November 4, 2009, February 17, 2010, March 10, 2010, and March 17, 2010.
2. The CUP is a request by the permittee, the Charles Company, to authorize the sale of alcoholic beverages for off-site consumption and the use of a drive-through pharmacy window at a proposed retail pharmacy.
3. The proposed project would renovate the vacant, former Golden Gate Theater building to be occupied by a retail pharmacy that would operate 24 hours a day, seven days a week and would sell medical supplies, prescription drugs, household goods, office supplies, greeting cards, dry goods, and a full line of alcoholic beverages for off-site consumption. The sale of alcoholic beverages for off-site consumption requires a conditional use permit pursuant to Los Angeles County Code ("County Code") section 22.28.210 and subject to the requirements of section 22.56.195. The permittee is also requesting a CUP to authorize a drive-through pharmacy window as required by County Code section 22.44.118.E.1.d.i.(1)(b). Alcoholic beverages would not be sold at the drive-through pharmacy window. The permittee also proposes to renovate the former Jim's Burgers building on the subject property to be used as a restaurant or for retail use in the future.
4. The subject property is located at 909 and 933 South Atlantic Boulevard in the unincorporated East Los Angeles ("East LA") area. The subject property is located in the Eastside Unit No. 1 Zoned District.
5. The subject property consists of 1.02 acres and is developed with a parking lot and two existing buildings (the former Golden Gate Theater building and the former Jim's Burgers building).
6. The subject property is zoned C-3 (Unlimited Commercial) and is located within the Whittier Boulevard Area of the East LA Community Standards District ("East LA CSD").
7. Surrounding zoning consists of:

North: C-3 and R-3 (Limited Multiple Residences);
South: C-3 and R-3;

East: C-3 and R-3; and
West: C-3 and R-3.

8. Surrounding land uses consist of:

North: Commercial-retail and multi-family residences;
South: Commercial-retail and multi-family residences;
East: Office and retail and multi-family residences; and
West: Commercial-retail and multi-family residences.

9. The subject property is within the Major Commercial land use category of the East LA Community Plan Land Use Policy Map. This designation allows for areas containing mixtures of small and large businesses in major areas. These areas are oriented toward the greater East LA area. The proposed project meets the intent of the land use designation because it is located at the corner of Atlantic and Whittier Boulevards, which is a major intersection in East LA. The proposed project includes a retail pharmacy use as well as a small restaurant or retail use, which would serve the greater East LA area.
10. The land use policies of the East LA Community Plan encourage the rehabilitation of existing commercial uses and development of new commercial infill along the major corridors (Whittier, Olympic, and Atlantic Boulevards) where commercial uses are designated on the Land Use Policy Map and where transportation and other municipal services can support development. The proposed project would be consistent with the East LA Community Plan because it would be a commercial use along a major corridor (Whittier and Atlantic Boulevards) serving the greater East LA community.
11. The proposed project would promote and strengthen the existing commercial area, provide a needed amenity to the area, and preserve the integrity of the historic Golden Gate Theater building. The proposed use would be consistent with the land use policies and intent of the East LA Community Plan and provide reasonable re-use of a long-time vacant building.
12. The property is surrounded by commercial and multi-family uses. The two main fronting streets are Whittier Boulevard and Atlantic Boulevard and primarily contain commercial and retail uses. The proposed retail pharmacy and restaurant or retail uses would be compatible with the surrounding commercial uses and provide an added amenity for the local neighborhood and greater East LA community.
13. The site plan depicts an existing 12,314-square-foot building (formerly known as the Golden Gate Theater) that is 58 feet in height and includes the proposed addition of a drive-through window on the southern portion of the building. Additionally, a one-story, 1,626-square-foot building (the former Jim's Burgers restaurant) is located at the southeastern portion of the project site.

14. The subject property is located within the Whittier Boulevard Area of the East LA CSD and complies with all standards except for height and signage.
15. The former Golden Gate Theater building is 58 feet at its highest point and was established prior to height restrictions set by the County Code, which now limit such structures to 45 feet. The former Golden Gate Theater building is, therefore, a legal non-conforming building related to height. The former Jim's Burgers building is 30 feet in height and meets current height restrictions.
16. There are two signs reviewed under this project, one proposed freestanding monument sign and one existing freestanding pole sign. The double-sided, freestanding monument sign to be located at the corner of Whittier Boulevard and Atlantic Boulevard has a sign area of approximately 150 square feet per sign face and complies with the sign area limit in the Whittier Boulevard Area. The freestanding pole sign, previously used for the Jim's Burgers restaurant, was built prior to adoption of the East LA CSD and is considered legally non-conforming and allowed to remain. No increase in sign area is permitted; however, the signage placards may be changed to reflect the current tenant. Sign plans are to be submitted for review, showing no increase in sign area. No other signage has been approved or reviewed under this project approval.
17. County Code sections 22.44.118.E.1.c.i.(2) and 22.56.1000 establish parking requirements for the uses on the subject property. Parking for retail uses is calculated at a ratio of one space per 400 square feet of floor area. Parking for dining uses is calculated at a ratio of one space for every three persons based on occupant load, and parking for eating establishments for off-site consumption is calculated at a ratio of one space for every 250 square feet of floor area with a minimum of 10 spaces required.
18. Pursuant to these County Code parking requirements, a total of 31 spaces (including two handicap spaces) are required for the retail pharmacy use and a minimum of 10 spaces (including one handicap space) is required for the proposed restaurant or retail use at the former Jim's Burgers building. Overall, a total of 41 parking spaces are required for the project. The site plan depicts 44 on-site parking spaces: 34 on-site parking spaces for the proposed retail pharmacy use including two handicap spaces, and 10 on-site parking spaces including one handicap space for the former Jim's Burgers building. Accordingly, the project, as proposed, complies with the County Code parking requirements.
19. Two driveways are depicted for employee and public access to and from the site. One driveway is located off of Atlantic Boulevard and the other is located off of Whittier Boulevard. A third driveway, located off of Louis Place, is to be used for delivery trucks to the proposed retail pharmacy and future restaurant or retail use.

20. The project site is served by four bus lines of the Metropolitan Transportation Authority including: Metro line 16, Metro line 260, Metro line 361, and Metro line 720. Montebello Bus Line Route 10 also serves the project site.
21. The Department of Alcoholic Beverage Control ("ABC") reports that an over-concentration of licenses exists within the subject Census tract. Three off-site sale licenses are allowed and three already exist. There are currently three establishments selling alcohol within 500 feet of the property: Patty's Liquor selling a full line of alcoholic beverages for off-site consumption; Café Billares selling alcoholic beverages for on-site consumption; and a Mexican food restaurant selling beer only for on-site consumption. As part of the conditions, the permittee is required to retire one of the existing ABC licenses.
22. Pursuant to section 22.56.195.B.3 of the County Code, it is necessary to limit the shelf space devoted to alcoholic beverages to a maximum of five percent of the total overall shelf space within the retail pharmacy because the proposed business is located within a 500-foot radius of other facilities selling alcoholic beverages for either on-site or off-site consumption.
23. The Media Arts and Entertainment Design Academy High School is located adjacent to, and within 600 feet of, the project site to the west. Approximately 140 ninth-graders attend this school from approximately 7:30 a.m. to 3:30 p.m., Monday through Friday. A church is located 100 feet to the west of the property across Atlantic Boulevard. There are no other places of worship, schools, parks, playgrounds, or any other similar use within a 600-foot radius of the property. The Board finds that there would not be any adverse impacts to the Media Arts and Entertainment Design Academy High School because of design and security measures incorporated into the project, including proposed conditions requiring the presence of a security guard during all hours of operation and a prohibition on loitering. Additional security measures required by the conditions include strict compliance with regulations prohibiting the sale of alcoholic beverages to minors; prohibition of the consumption of alcoholic beverages on the property; prohibition on beer sold in containers under one quart or in less than six-pack quantities; and exterior security cameras at all entrances and exits. Moreover, the proposed entrance to the pharmacy is along Whittier Boulevard, a commercial corridor, and does not face the Media Arts and Entertainment Design Academy High School. The proposed tenant's standard operating procedures include Alcohol Sales Training for those individuals who work in retail pharmacies that sell alcoholic beverages. In addition, the shelf space devoted to alcoholic beverages will not exceed five percent of the total shelf space in the pharmacy. Accordingly, sales of alcoholic beverages are ancillary to other products sold at the pharmacy and are a minor component of the overall merchandise.

24. The retail pharmacy is buffered in relation to the Media Arts and Entertainment Design Academy High School. The proposed entrance to the pharmacy is along Whittier Boulevard, a commercial corridor, and does not face the Media Arts and Entertainment Design Academy High School or the church. In addition, there is a fence between the property and the Media Arts and Entertainment Design Academy High School.
25. The retail pharmacy is buffered in relation to the residential neighborhoods in the surrounding area. One block of commercial uses surrounding the property buffers the site from the residential area located outside of the commercial area. In addition, the proposed entrance to the pharmacy is along Whittier Boulevard, a commercial corridor, and does not face the residential neighborhood.
26. The pharmacy, including the ancillary sales of alcoholic beverages, serves the public convenience and necessity. The opening of a nationally recognized and reputable establishment presents the opportunity for residents of East LA to be provided with an additional location to obtain a variety of goods and services that are price competitive. The sale of off-site alcoholic beverages at a retail pharmacy provides a public convenience that is typically associated with the standard goods and services offered at a national pharmacy chain store. Customers of such retail pharmacy chains expect the added convenience of purchasing alcoholic beverages in the safe family-friendly environment of the store. The proposed sale of alcoholic beverages for off-site consumption at a pharmacy will add a needed amenity to the neighborhood because such a pharmacy does not currently exist. In addition, as mandated by the Conditions of Approval, security measures include strict compliance with regulations prohibiting the sale of alcoholic beverages to minors; prohibition on loitering and the consumption of alcoholic beverages on the project site; exterior security cameras at all entrances and exits; and the presence of a security guard during all hours of operation. Moreover, the shelf space devoted to alcoholic beverages will not exceed five percent of the total shelf space in the pharmacy and sales of alcoholic beverages will only occur between the hours of 9:00 a.m. and 10:00 p.m. Accordingly, sales of alcoholic beverages are ancillary to other products sold at the pharmacy and are a minor component of the overall merchandise for customers' convenience. For the foregoing reasons, permitting the sale of alcoholic beverages for off-site consumption will serve the public convenience and necessity.
27. The pharmacy will benefit the economic welfare of the nearby community. The opening of a nationally recognized and reputable establishment presents the opportunity for residents of East LA to be provided with an additional location to obtain a variety of goods and services that are priced competitively. The sale of off-site alcoholic beverages at a pharmacy provides a public convenience that is typically associated with the standard goods and services offered with a national pharmacy store. Moreover, the project provides positive contributions to the East LA community including redevelopment of an important vacant property at the prominent corner of Whittier Boulevard and Atlantic Boulevard with a use

needed in the community. The project will also contribute to the economic welfare of the nearby community through job creation; it is anticipated that the pharmacy would employ 25 to 35 people. This project can also serve as a catalyst to stimulate additional private sector investment in the area. With the improved site and building along with the community-serving retail pharmacy, the project will increase pedestrian activity and interest at this prominent commercial intersection in East LA.

28. The exterior appearance of the proposed retail pharmacy at the former Golden Gate Theater is consistent with the immediate neighborhood. The project will restore this vacant property to productive use while preserving the essential features of this historic building and will benefit the neighborhood by reducing blight and deterioration.
29. On March 18, 2009, 144 notices of the Commission public hearing were sent to property owners within a 500-foot radius of the property. Legal advertisements were published in the *East LA Tribune* and in *La Opinion* on March 26, 2009. Case-related materials (factual, hearing notice, and burden of proof statements) were sent to the East LA Library, the El Camino Real Library, and the Anthony Quinn Library on March 18, 2009, and were also posted on the County Department of Regional Planning's ("Regional Planning") web site (<http://planning.co.la.ca.us>).
30. The Commission opened its public hearing on May 13, 2009. On that hearing day, the Commission heard testimony regarding the extent of the proposed exterior and interior renovations of the former Golden Gate Theater building to accommodate the retail pharmacy use, including concerns related to the maintenance, exposure, and treatment of historic features. The Commission asked the permittee to address concerns raised by the Commission, organizations, and the public related to the historic structure. The Commission directed staff from Regional Planning to retain an architectural historian to provide an independent review and analysis of the proposed project. The Commission requested additional information be included in the Environmental Impact Report ("EIR") in response to comments on the Draft EIR and that the EIR be prepared in an effort to most closely conform to the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings ("Secretary of the Interior's Standards"). The Commission also heard testimony regarding the proposed CUP for the sale of alcoholic beverages for off-site consumption. The Commission directed County staff to prepare conditions of approval related to the sale of alcoholic beverages for off-site consumption. The Commission also heard testimony regarding the project's asserted benefits to the East LA Community. The Commission continued the hearing to August 19, 2009.

31. In compliance with the Commission's direction, an architectural historian, Robert Chattel ("Mr. Chattel") with Chattel Architecture, Planning and Preservation, Inc. ("Chattel Architecture"), was retained to provide an independent review and analysis of the proposed project.
32. During the Commission's August 19, 2009 continued public hearing, Regional Planning recommended that the matter be continued to a later hearing date because the Final EIR had not been submitted for review. The permittee informed the Commission that progress was being made working with Chattel Architecture, County staff, the prospective tenant, and other interested parties on developing a modified project design that sought to reduce significant historical resource impacts. The Commission continued the hearing to October 21, 2009.
33. At the Commission's October 21, 2009 continued public hearing, the Commission continued the hearing to October 28, 2009.
34. During the Commission's October 28, 2009 continued public hearing, Mr. Chattel presented an independent historical analysis of the revised project design. A modified project design was presented that addressed concerns raised in comments by the Commissioners and members of the public in written and oral testimony while striving for project conformance with the Secretary of the Interior's Standards. Mr. Chattel testified that while the proposed project would not fully conform to the Secretary of the Interior's Standards, the modified project design demonstrates a serious and concerted effort to reduce significant historical resources impacts identified in the Draft EIR. Mr. Chattel testified that in his professional opinion, the modified project design, with implementation of the Historic Resources Mitigation Measures, will significantly reduce historical resources impacts. The Commission heard testimony related to the extent of the proposed interior renovations to the former Golden Gate Theater building to accommodate the retail pharmacy use, including concerns related to the maintenance, exposure, and treatment of historic features. The Commission requested the permittee complete the Final EIR and submit it for review, and continued the hearing to November 4, 2009.
35. During the Commission's November 4, 2009 continued public hearing, the Commission heard further testimony related to the extent of the proposed interior renovations to the former Golden Gate Theater building to accommodate the retail pharmacy use, including concerns related to the maintenance, exposure, and treatment of historic features. The Commission again heard testimony regarding concerns about potential impacts related to the sale of alcoholic beverages for off-site consumption; possible alternative use of the former Golden Gate Theater as a cultural arts center; and the asserted benefits of the project to the East LA Community. The Final EIR had not been submitted at that time and the Commission continued the hearing to February 17, 2010.

36. During the Commission's continued February 17, 2010 public hearing, the Commission heard testimony on the same issues raised at the prior hearing dates. The Commission requested that conditions for the project include minimum levels of preservation and exposure of certain building features, including but not limited to, the balcony ceiling, light fixtures, ornamental mountings, and painting.
37. During the Commission's March 10, 2010 continued public hearing, the Commission heard testimony on the same issues previously raised at the prior hearing dates. The Commission continued the hearing to March 17, 2010, and directed County staff to include an additional condition related to the sale of alcoholic beverages for off-site consumption requiring the permittee to purchase for its use, or to retire, an existing alcohol license in the area.
38. During the Commission's March 17, 2010 continued public hearing, the Commission heard testimony on the same issues previously raised at the prior hearing dates.
39. At the public hearing on March 17, 2010, the Commission found that, with appropriate restrictions on its operation as set forth in the Conditions of Approval, the project as proposed would be compatible with surrounding land uses and would not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; would not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and would not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.
40. During the eight public hearing dates before the Commission, 73 people testified, 13 of those testified in support of the project, and 60 testified in opposition (these numbers include speakers who testified at multiple hearings); four petitions were submitted, two in support and two in opposition; and 220 letters were received, 190 letters in support and 30 letters in opposition.
41. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County.
42. The Initial Study identified potentially significant effects of the project relating to cultural resources and traffic and circulation. Accordingly, Regional Planning determined that an EIR was required. In compliance with CEQA, a Notice of Preparation ("NOP") for the proposed project was circulated on May 12, 2006, beginning the 30-day review period. The Draft EIR was completed and circulated on March 23, 2009, initiating a 45-day public review period pursuant to CEQA. The Draft EIR and Notice of Completion ("NOC") were distributed to the California Office of Planning and Research, State Clearinghouse. Relevant agencies also received copies of the Draft EIR. A Notice of Availability ("NOA")

was distributed to interested parties and adjacent property owners and residents, which informed them of where they could review the Draft EIR.

43. The Draft EIR identified 14 categories of environmental impacts that were determined to be not significant or less than significant: agricultural resources, air quality, population/housing/recreational/employment, biota, mineral resources, education, fire hazard, flood, water quality, sewage disposal, geotechnical, fire/sheriff, land use, and environmental safety. The Draft EIR identified and analyzed potentially significant environmental impacts from the proposed project that could be mitigated to less than a significant level including aesthetics/light and glare, noise, solid waste, global climate change, and transportation and circulation. The Draft EIR determined that implementation of the project as proposed would generate potentially significant impacts to cultural resources even with mitigation measures.
44. CEQA Guidelines section 15126.6(a) requires that an EIR describe a range of reasonable alternatives to the project. Four alternatives were evaluated for this project: 1) the no project alternative; 2) theater re-use; 3) restaurant/nightclub; and 4) church. Each alternative was evaluated for aesthetics, cultural resources, solid waste, traffic and circulation, noise, mandatory findings of significance, and attainment of project objectives. The analysis of the alternatives found that although the theater re-use and church alternatives are considered to be environmentally superior to the proposed project, the proposed project remains the preferred alternative due to its ability to meet all four project objectives and its market viability as compared to the other project alternatives.
45. The Final EIR includes a description of the modified project design and concluded, based on the January 27, 2010 "Secretary of the Interior's Standards Conformance Report" and "Thresholds for Determining Significant of Historical Resources Impacts Memorandum" prepared by Chattel Architecture, that the project will not result in a material impairment of a historical resource and, therefore, does not result in a significant impact under CEQA. However, given that the Final EIR determined that the project does not fully conform to the Secretary of the Interior's Standards, the decision was made to concede that the project will result in a significant impact to an historical resource and adopt a Statement of Overriding Considerations ("SOC").
46. The Final EIR was distributed on February 2, 2010. The Final EIR contains written responses to comment letters that were received from public agencies, organizations, and individuals on the Draft EIR, along with written responses to oral testimony received at the hearings. Responses to comments were sent to all public agencies that submitted comments on the Draft EIR pursuant to CEQA. The Final EIR addresses the environmental effects associated with implementation of the proposed project and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts.

47. At the continued February 17, 2010 Commission hearing, the Commission found that the Final EIR had been completed in compliance with CEQA, the Commission certified that it had reviewed and considered the information contained in the Final EIR and attached Mitigation Monitoring and Reporting Program ("MMRP"), and the Final EIR reflects the County's independent judgment and analysis. The Commission then certified the Final EIR. The Commission continued the hearing to March 10, 2010, and directed County staff to prepare final CEQA Findings of Fact and SOC.
48. On March 17, 2010, the Commission adopted the CEQA Findings of Fact and SOC and approved the CUP.
49. The Commission's approval was appealed to the Board on the stated grounds that the EIR failed to include all known feasible alternatives or feasible mitigation measures proposed by community members, that the proposed mitigation measures do not reduce the significant impacts of the project, and that notice of the project and the hearings were improper and insufficient.
50. The Board conducted its duly-noticed de novo public hearing on May 25, 2010. During the hearing, the Board received a staff presentation and a presentation by Mr. Chattel with Chattel Architecture. The Board also heard testimony in support of and opposed to the project including testimony regarding the EIR's identification and discussion of feasible mitigation measures and range of reasonable alternatives, the County's public notice efforts in connection with the project, the extent of the proposed renovations to the former Golden Gate Theater building to accommodate the retail pharmacy use, potential impacts related to the sale of alcoholic beverages for off-site consumption, an alternative use of the former Golden Gate Theater as a cultural arts center, and the asserted benefits of the project to the East LA Community including job creation and the needed rehabilitation and restoration of the Golden Gate Theater building.
51. On May 25, 2010, following its hearing on the project, the Board certified that the Final EIR had been completed in compliance with CEQA, that the Board had reviewed and considered the information contained in the Final EIR and attached MMRP, and that the Final EIR reflects the Board's independent judgment and analysis. The Board then certified the Final EIR.
52. The requirements of the MMRP are incorporated into the conditions of approval for this project.
53. Approval of the project requires adoption of the CEQA Findings of Fact and SOC. The Board adopts the Findings of Fact and SOC, which are attached hereto and incorporated herein by this reference as if set forth in full.
54. The Board finds that, with appropriate restrictions on its operation as set forth in the Conditions of Approval, the project as proposed would be compatible with surrounding land uses and would not adversely affect the health, peace, comfort,

or welfare of persons residing or working in the surrounding area; would not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and would not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.

55. This project may be subject to payment of California Department of Fish and Game fees pursuant to section 711.4 of the California Fish and Game Code.
56. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section I, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. The proposed use with the attached conditions and restrictions will be consistent with the adopted general plan for the area;
- B. With the attached conditions and restrictions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius;
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. The public convenience or necessity for additional facilities selling alcoholic beverages for off-site consumption outweighs the fact that the proposed location is located within a 500-foot radius of other facilities selling alcoholic beverages;

- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Certifies that the Final EIR was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Board as to the environmental consequences of the project; indicates that it certified the Final EIR at the conclusion of its hearing on the project; adopts the attached Findings of Fact and SOC and the MMRP, finding that pursuant to California Public Resources Code section 21081.6, the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation; finds that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in those findings; and determined that the remaining, unavoidable environmental effects of the project have been reduced to the extent possible and to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the Findings of Fact and SOC; and
- 2. Approves Conditional Use Permit No. 2008-00136-(1) subject to the attached conditions.

Attachment

Findings of Fact and Statement of Overriding Considerations

Golden Gate Theater Re-Use Project
909 & 933 South Atlantic Boulevard
East Los Angeles, California 90022

Conditional Use Permit No. 200800136
Environmental Review No. RENVT 200500198
State Clearinghouse No. 2006051069

Findings of Fact
and
Statement of Overriding Considerations

(Pursuant to Sections 21081 and 21081.6 of the Public Resources Code
and Sections 15091 and 15093 of the CEQA Guidelines)

Final Environmental Impact Report
(State Clearinghouse Number 2006051069)

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I. INTRODUCTION

The applicant Charles Company (the "Applicant") proposes to renovate the existing vacant former Golden Gate Theater building to be occupied by a retail pharmacy, as well as renovate and re-open the existing vacant former Jim's Burgers building with a restaurant or retail use (the "Project"). The Applicant also proposes a drive-thru window for the retail pharmacy use. The existing buildings are located on an irregular-shaped parcel of land totaling approximately 1.02 acres at the southwest corner of Atlantic Boulevard and Whittier Boulevard in the unincorporated East Los Angeles community of Los Angeles County ("Project site"). The Golden Gate Theater building was constructed in or around 1927. The Golden Gate Theater building is currently listed on the National Register of Historical Places.

II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

The proposed Project was reviewed by the County of Los Angeles Department of Regional Planning ("County") in accordance with the requirements of the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 *et seq.*; 14 Cal. Code. Regs. § 15000 *et seq.*). An Initial Study was prepared, whereupon it was determined that the Project required an Environmental Impact Report ("EIR"). In compliance with CEQA, a Notice of Preparation ("NOP") for the proposed Project was circulated on May 12, 2006, beginning a 30-day review period.

Subsequent to the NOP review period, a Draft EIR was completed and circulated on March 23, 2009, initiating a 45-day public review period pursuant to CEQA and its implementing CEQA Guidelines. The Draft EIR and Notice of Completion ("NOC") were distributed to the California Office of Planning and Research, State Clearinghouse. Relevant agencies also received copies of the Draft EIR. A Notice of Availability ("NOA") was distributed to interested parties and adjacent property owners and residents, which informed them of where they could review the Draft EIR.

After opening the public hearing and taking public testimony on May 13, 2009, the Los Angeles County Regional Planning Commission ("Commission") continued the public hearing to August 19, 2009. The continuance was provided to allow the Applicant additional time to complete the environmental review. At the May 13, 2009 hearing, the Applicant was asked to address concerns raised by the Commission, organizations, and the public with regard to the extent of the proposed exterior and interior renovations of the former Golden Gate Theater building to accommodate the retail pharmacy use. Additionally, the Commission directed the County Staff to retain an architectural historian to provide an independent review and analysis of the proposed Project. The intent was to prepare a modified plan that addresses comments received on the Draft EIR and strive to conform with the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings ("Secretary of the Interior's Standards").

In response to these aforementioned comments and direction, the County retained Chattel Architecture, Planning & Preservation, Inc. ("Chattel Architecture") as the County's architectural historian to provide an independent review and analysis of the proposed Project.

At the, August 19, 2009, Commission public hearing, the Applicant informed the Commission of the progress being made working with the Chattel Architecture, County Staff, prospective tenant, and other interested parties on developing a modified plan that seeks to reduce significant historical resource impacts. There was no public testimony (written or oral) at the August 19, 2009 hearing. The Commission

continued the item to October 21, 2009. At the October 21, 2009, Commission public hearing, the Commission continued the item to October 28, 2009. There was no public testimony (written or oral) at the October 21, 2009, hearing. At the October 28, 2009, Commission public hearing, Robert Chattel with Chattel Architecture presented the independent historical analysis of a revised project design. After receiving public testimony, the Commission continued the item to November 4, 2009. After receiving public testimony at the November 4, 2009, Commission public hearing, the Commission continued the item to February 17, 2010.

A Final EIR was prepared for the Project, which is hereby incorporated by reference in full. The Final EIR is intended to serve as an informational document for public agency decision makers and the general public regarding the objectives and components of the proposed Project.

The Final EIR was distributed on February 2, 2010. The Final EIR contains written responses to comment letters that were received from public agencies, organizations, and individuals on the Draft EIR. A total of thirteen (13) letters and a petition form letter signed by 148 people were received during the 45-day public comment period. Responses to comments were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to the certification of the Final EIR pursuant to the CEQA Guidelines. Responses are also provided in the Final EIR for oral comments received at the May 13, 2009, October 28, 2009, and November 4, 2009, Commission hearings.

The Final EIR addresses the environmental effects associated with implementation of the proposed Project and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts. It is the primary reference document for the formulation and implementation of a mitigation monitoring program for the proposed Project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with the CEQA Guidelines, if a Lead Agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project based on the final CEQA documents and any other information in the public record for the project. This is called a "statement of overriding considerations."

After receiving public testimony at the February 17, 2010, Commission public hearing, the Commission found that: the Final EIR has been completed in compliance with CEQA; the Commission has reviewed and considered the information contained in the Final EIR and attached mitigation monitoring program; and the Final EIR reflects the County's independent judgment and analysis. The Commission then certified the Final EIR. The Commission then continued the item to March 10, 2010. After receiving public testimony at the March 10, 2010, Commission public hearing, the Commission continued the item to March 17, 2010. After receiving public testimony at the March 17, 2010, Commission public hearing, the Commission adopted the CEQA Findings of Fact and a Statement of Overriding Considerations.

The Commission's approval was appealed to the Los Angeles County Board of Supervisors ("Board of Supervisors") on the stated grounds that the EIR failed to include all known feasible alternatives or feasible mitigation measures proposed by community members in the EIR that the proposed mitigation measures did not reduce the significant effects of the project, and that notice was improper and insufficient.

The Board of Supervisors conducted a duly noticed public hearing on May 25, 2010. After receiving public testimony, the Board found that: the Final EIR was completed in compliance with CEQA; the Board has reviewed and considered the information contained in the Final EIR and attached mitigation monitoring program; and the Final EIR reflects the County's independent judgment and analysis. The Board then certified the Final EIR.

The Project was reviewed by the Board of Supervisors in accordance with the requirements of CEQA. These Board of Supervisors' Findings of Fact and Statement of Overriding Considerations are based on the Board of Supervisors' review of the environmental impacts associated with the following entitlements, which the Applicant seeks from the County:

- Site Plan Review/Development Permit for the proposed re-use of the Golden Gate Theater building to a retail pharmacy and the renovation and re-opening of the Jim's Burgers with a restaurant or retail use.
- Conditional Use Permit for the sale of alcoholic beverages for off-site consumption pursuant to Los Angeles County Code Sections 22.28.210 and 22.56.195.
- Conditional Use Permit to authorize a drive-through pharmacy window as required by Los Angeles County Code Section 22.44.118.E.1.d.i.(1)(b).
- Grading Permit for regrading, compacting and resurfacing of the existing 0.69 acre parking lot. Preliminary estimates indicate that a total of approximately 400 to 650 cubic yards of fill material will be required.

These Findings and Statement of Overriding Considerations have been prepared in compliance with CEQA. These Findings and Statement of Overriding Considerations are based on the Board of Supervisors' independent review of the following documents and materials, which are hereby incorporated by reference in full: the Draft EIR, the Final EIR, these Findings and Statement of Overriding Considerations, the mitigation monitoring and reporting program, the Regional Planning Commission's record of proceedings, materials submitted by the Applicant, and the Project findings and conditions made by the Board of Supervisors as required by the County Code. The documents and other materials that constitute the record of proceedings on which these Findings and Statement of Overriding Considerations are based are located at the Los Angeles County Department of Regional Planning, 320 West Temple Street, Los Angeles, CA 90012. This information is provided in compliance with the Public Resources Code Section 21081(a)(2).

III. PROPOSED PROJECT OVERVIEW

The proposed Project involves redevelopment of a 1.02-acre Project site located at 909 and 933 South Atlantic Boulevard in the unincorporated area of East Los Angeles within Los Angeles County, California. The Project site is bounded by Atlantic Boulevard to the east, Whittier Boulevard to the north, South Woods Avenue to the west, and Louis Place to the south. The Project site is developed with two existing buildings – the vacant Golden Gate Theater building and the vacant Jim's Burgers building – and a parking lot on the remainder of the site.

The Project seeks to renovate the existing approximately 12,768-square foot vacant Golden Gate Theater building to be occupied by a retail pharmacy. The Golden Gate Theater building was constructed in or around 1927 as a playhouse and a movie house and was known over the years as Fox West Coast Theaters and more recently as Golden Gate Theater. The building is currently listed on the National Register of Historical Places. The proposed Project also includes the renovation of the existing 1,626-square foot Jim's Burgers building to be used as restaurant or retail use in the future.

All on-site parking shall be in compliance with Section 22.44.118.E.c.i.2 and Section 22.52.1110 of the Los Angeles County Code. Los Angeles County Code Section 22.44.118.E.c.i.2 provides that parking for retail use shall be calculated at a ratio of one space per 400 square feet of gross floor area. The proposed retail pharmacy would include approximately 12,314 square feet of gross floor area, which requires 31 parking spaces (including two handicap spaces) for the retail pharmacy use. Los Angeles County Code Section 22.52.1110 governs parking at restaurants. Dining shall be calculated at a ratio of one space for every three people based on occupant load, and eating establishments for off-site consumption shall be calculated at a ratio of one space for every 250 square feet of floor area with a minimum of 10 spaces required. The Project proposes a total of 44 spaces. 34 spaces would be provided for the retail pharmacy use on-site (including two handicap spaces), and 10 parking spaces (including one handicap space) would be provided for the former Jim's Burger facility to be used as a restaurant in the future. Overall, a total of 41 spaces are required for this Project, and 44 on-site spaces are being provided. The Project complies with the County's parking requirements.

IV. PROJECT OBJECTIVES

A statement of the objectives sought by the proposed Project is required by the CEQA Guidelines Section 15124(b). In general, an objective can be defined as something that is worked toward or strived for, or as some type of goal. The definition of the project objectives is important in that it aids the Lead Agency in formulating a reasonable range of alternatives to the proposed project that also can achieve, at least in part, the objectives of the proposed Project .

The primary objectives of the proposed Project are to:

- Encourage rehabilitation of existing commercial uses and development of new commercial infill along the major corridors (Whittier, Olympic and Atlantic Boulevards) where commercial uses are designated on the Land Use Plan map and where transportation and other municipal services can support development.
- Promote, encourage and support the strengthening of existing industrial and commercial job-producing activities to create more jobs (especially professional positions) for residents of East Los Angeles.
- Provide for new development which is compatible with and complements existing uses in the area.
- Maintain the historic integrity and value of the existing vacant theater building through its adaptive re-use so that it retains as many of its significant historic elements as possible.

V. FINDINGS OF FACT REQUIRED TO BE MADE BY THE LEAD AGENCY UNDER CEQA

The County has relied on Public Resources Code Section 21081 and CEQA Guidelines Section 15084(d)(3), which allow acceptance of working drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The Draft EIR and Final EIR have been prepared by the Applicant's consultant with the County's review and acceptance. The County has reviewed and edited as necessary the submitted drafts to reflect the County's own independent judgment.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require a public agency, prior to approving a project for which an EIR has been certified, which identifies one or more significant environmental effects of the project, to make one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. "Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, making infeasible the mitigation measures or project alternatives identified in the Final EIR.

(CEQA Guidelines § 15091(a)). These Findings incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project as fully set forth therein. Although CEQA Guidelines Section 15091 does not require findings to address environmental impacts that an EIR determines to be less than significant, these Findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project.

VI. FINDINGS REGARDING POTENTIAL ENVIRONMENTAL EFFECTS THAT ARE LESS THAN SIGNIFICANT

The Draft EIR identified 14 categories of environmental impacts that were determined not to be significant or less than significant as listed below. These impacts were determined not to be significant and/or less than significant in the Initial Study; therefore, they were not analyzed in detail in the EIR. Because impacts will be less than significant or there is no impact, no mitigation measures are necessary.

- | | |
|--|-------------------|
| • Agricultural Resources | • Flood |
| • Air Quality | • Water Quality |
| • Population/Housing/Recreation/Employment | • Sewage Disposal |
| • Biota | • Geotechnical |

- Mineral Resources
- Education
- Fire Hazard
- Fire/Sheriff
- Land Use
- Environmental Safety

VII. FINDINGS REGARDING POTENTIAL SIGNIFICANT ENVIRONMENTAL EFFECTS THAT HAVE BEEN MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The Draft and Final EIR identified potentially significant environmental impacts from the proposed Project that could be mitigated to less than significant levels. These impacts include aesthetics/ light and glare, noise, solid waste, global climate change, and transportation and circulation. As authorized by Public Resources Code Section 21081 and CEQA Guidelines Sections 15091, 15092, and 15093, based on substantial evidence in the record, changes or alterations have been incorporated into the Project that avoid or substantially lessen the significant environmental impacts and, thus, that adoption of the mitigation measure as set forth below will reduce these significant effects to less than significant levels. A discussion of each topic is provided below.

A. Aesthetics/Light and Glare

Impact: Lighting and Glare Impacts

Implementation of the Project would result in the introduction of additional daytime and nighttime glare and light sources from what existed previously.

Finding:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Facts in Support of Finding:

Mitigation Measures 3.1.1, 3.1.2 and 3.1.3 are proposed to prevent any potential impacts from the Project's exterior lighting and to ensure that the Project conforms to the standards outlined in County's Zoning Code for outdoor and street lighting. (all references to Mitigation Measures by number are to the Mitigation Measures identified in the Mitigation Monitoring and Reporting Program set forth in the Final EIR) Implementation of the following mitigation measures would ensure that potential lighting impacts would be reduced to a level that is less than significant.

Mitigation Measure 3.1.1: Building security lighting and parking lot lighting shall be designed so that no substantial light or glare would impact nighttime views of the surrounding area.

Mitigation Measure 3.1.2: Lighting shall be directed downward and inward to the greatest extent possible in order to limit lighting impacts, yet provide for adequate safety and security for building occupants and visitors.

Mitigation Measure 3.1.3: Lighting design features that would reduce light and glare impacts shall be incorporated into the final project design. These features include the use of low wattage bulbs with prismatic glass coverings that inhibit the spread of light and

the shielding of lights to reduce glare such that neither the light source nor its image from a reflective surface is directly visible from any point measured five feet from the property line.

B. Noise

Impact: *Substantial temporary or periodic increase in ambient noise levels*

Short-term construction-generated noise levels could result in a substantial increase in ambient noise levels at nearby noise-sensitive land uses.

Finding:

Changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Facts in Support of Finding:

Mitigation Measure 3.5.1 and 3.5.2 would address the potential impacts associated with construction-generated noise and to provide direction to the Project applicant regarding necessary contractor instructions and a procedure to respond to any neighborhood noise concerns. The following mitigation measures reduce short-term construction-generated noise levels, including the limitation of construction activities to the less noise-sensitive periods of the day, and the use of mufflers to reduce individual equipment noise levels. With implementation, potential noise impacts would be reduced to a level that is less than significant.

Mitigation Measures 3.5.1: All project construction activities shall only occur between 7:00 a.m. and 8:00 p.m. daily and not on Sundays and legal holidays. Construction truck access and haul routes shall be reviewed and approved by the County prior to commencing work. Additionally, all construction personnel shall park on-site.

Mitigation Measure 3.5.2: All construction equipment shall be in proper operating condition and fitted with standard factory noise attenuation features. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Impact: *Exposure to or generation of noise in excess of local or applicable standards*

Predicted noise levels during construction at nearby sensitive receptors could exceed applicable County noise standards.

Finding:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Facts in Support of Finding:

Mitigation Measures 3.5.2, 3.5.3 and 3.5.4 would address potential noise impacts over the short and long-term. The following mitigation measures would require adherence to construction

operations and other measures in order to reduce exposure of sensitive receptors to excessive noise levels. Compliance with the County's Noise Ordinance is required by law, and meeting its standards for interior noise levels by implementing the following mitigation measures would reduce any potential impact to a level that is less than significant.

Mitigation Measure 3.5.2: All construction equipment shall be in proper operating condition and fitted with standard factory noise attenuation features. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Mitigation Measure 3.5.3: The project shall incorporate design features and measures that locate noise sources such as parking areas, loading zones, trash bins, and mechanical equipment as far away from the noise sensitive receptor locations as possible to the satisfaction of the County Department of Public Health.

Mitigation Measure 3.5.4: The noise generated by the project shall remain within standards dictated by the Los Angeles County Code, Title 12 Environmental Protection, Section 12.08.440 and other applicable sections.

Impact: Exceedance of Groundborne Vibration Standards Impacts

Occupants of nearby residential dwelling units and adjacent school could be exposed to groundborne vibration levels that would exceed applicable standards.

Finding:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Facts in Support of Finding:

The proposed Project does not include operation of equipment or processes that would create potentially significant levels of ground vibration. Mitigation Measures 3.5.3, 3.5.4, 3.5.5 and 3.5.6 would reduce potential impacts of groundborne vibration primarily created by vehicle trips traveling to and from the Project site including loading operations by locating the primary driveways for ingress and egress to the site as far away as possible from any sensitive noise receptor. Implementation of the following mitigation measures would reduce any potential impact to a level that is less than significant.

Mitigation Measure 3.5.3: The project shall incorporate design features and measures that locate noise sources such as parking areas, loading zones, trash bins, and mechanical equipment as far away from the noise sensitive receptor locations as possible to the satisfaction of the County Department of Public Health.

Mitigation Measure 3.5.4: The noise generated by the project shall remain within standards dictated by the Los Angeles County Code, Title 12 Environmental Protection, Section 12.08.440 and other applicable sections.

Mitigation Measure 3.5.5: In consideration of the nearest sensitive receptor, Media Arts and Entertainment Design Academy High School, noise from the project's air-conditioning or refrigeration equipment shall not exceed 55 dBA (Leq) on any point on the neighboring property line.

Mitigation Measure 3.5.6: The proposed project is located within 500 feet of a residential area, therefore, collecting refuse with a collection vehicle between the hours of 10:00 PM and 6:00 AM is prohibited (LA County Code Title 12, Environmental Protection Section 12.08.520).

C. Solid Waste

Impact: *Comply with Federal, State, and local statutes and regulations related to solid waste*

Implementation of the Project could significantly reduce the lifespan of the affected landfill.

Finding:

Changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Facts in Support of Finding:

Mitigation Measure 3.3.3 would address the impacts associated with the amount of construction and demolition debris that would be generated from development of the Project. This mitigation measure requires that a minimum of 50% of the construction and demolition debris generated by the Project be recycled or reused. Implementation of this mitigation measure would reduce the impact to a level that is less than significant.

Mitigation Measure 3.3.3: The project shall comply with Chapter 20.87 of the Los Angeles County Code requiring that a minimum of 50% of the construction and demolition debris generated by the proposed project be recycled or reused. A Construction and Demolition Debris Recycling and Reuse Plan shall be filed with the Los Angeles County Department of Public Works and an approval shall be obtained in conformance with the County Code requirements. Recycling and reuse of the construction and demolition debris shall be performed in accordance with the approved plan, and the requisite Progress Report Form(s), Final Compliance Report Form, and any required Recycling and Reuse Amendment Forms shall be submitted as required.

Impact: *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs*

Implementation of the Project could exceed the solid waste disposal capacity at the available landfills.

Finding:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Facts in Support of Finding:

Mitigation Measures 3.3.1, 3.3.2, 3.3.4 and 3.3.5 would address the impacts associated with the increased demand for landfill capacity for solid waste from construction activities and operations. The Project will implement a recycling program for the diversion of recyclable cardboard packaging materials. This program will result in an approximate 30% reduction in the amount of solid waste transmitted to landfills. The proposed Project would also operate in accordance with the County's Integrated Waste Management Plan, in addition to applicable federal and State regulations associated with solid waste. Implementation of these mitigation measures would reduce these impacts on landfill capacity to a level that is less than significant.

Mitigation Measure 3.3.1: The project shall implement a recycling program for the diversion of recyclable cardboard packaging materials. The program will entail the separation of eligible materials from its solid waste stream for transfer to and re-use by recycling entities.

Mitigation Measure 3.3.2: The project shall provide recycling bins to promote recycling of paper, metal, glass, and other recyclable materials.

Mitigation Measure 3.3.4: The proposed re-opening of the Jim's Burgers building as a restaurant shall require provision of a grease treatment device and shall be subject to review and approval by the County Department of Public Works.

Mitigation Measure 3.3.5: Should any operation within the subject project include the construction, installation, modification, or removal of underground storage tanks, industrial waste treatment or disposal facilities, and/or storm water treatment facilities, Public Works' Environmental Programs Division shall be contacted for required approvals and operating permits.

D. Global Climate Change

Impact: *Greenhouse Gas Emissions - Operational*

The primary source of greenhouse gas emissions generated by the Project would be from motor vehicles. Other emission impacts are from Project operations, which would be generated from the combustion of natural gas for space and water heating, as well as off-site greenhouse gas emissions from the generation of electricity consumed by the Project.

Finding:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Facts in Support of Finding:

Although no mitigation measures are required since no potentially significant impacts have been identified, Mitigation Measures 3.6.1, 3.6.2 and 3.6.3 will cumulatively reduce the Project's

operational greenhouse gas emissions and its effects on global warming by approximately two percent as compared to the unmitigated condition.

Mitigation Measure 3.6.1: Energy efficient appliances and office equipment (pursuant to Energy Star or Green Machine ratings or other equivalent rating systems) shall be utilized throughout the building.

Mitigation Measure 3.6.2: The buildings shall be equipped with fluorescent lighting for all overhead lighting which uses 75% less energy than incandescent lighting while delivering the same amount of illumination.

Mitigation Measure 3.6.3: Measures to address the "urban heat island" effect shall be provided through the provision of light-colored roofing materials and the planting of shade trees within the parking lot, along the south and east sides of the restaurant building and along a majority of the perimeter of the project site.

E. Transportation and Circulation

Impact: Traffic Impacts

The Project would generate significant traffic impacts at the intersection of Atlantic Boulevard and Whittier Boulevard in the afternoon peak hour.

Finding:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Facts in Support of Finding:

Mitigation Measures 3.4.1, 3.4.2, 3.4.3 and 3.4.4 have been proposed to mitigate the impacts associated with traffic increases at the intersection of Atlantic Boulevard and Whittier Boulevard. These mitigation measures require the Applicant to dedicate six feet along the entire Whittier Boulevard frontage of the Project site, and widen and create a new lane along Whittier Boulevard adjacent to the Project. Implementation of the following mitigation measures would reduce any potential impact to a level that is less than significant.

Mitigation Measure 3.4.1: The eastbound approach of Whittier Boulevard to Atlantic Boulevard, adjacent to the site shall be widened to provide an eastbound right-turn lane to the satisfaction of the Los Angeles County Department of Public Works. The new lane shall be 100 feet in length, measured from the existing crosswalk/limit line. A 60 foot long transition shall connect the new, widened curb to the existing curb in front of the new commercial development to the west of the pharmacy site. The right-turn lane shall be 12 feet wide and the two straight lanes adjacent to it shall each be widened by restriping from 10 feet to 11 feet.

Mitigation Measure 3.4.2: To maintain the existing sidewalk width of 15 feet, the project developer shall dedicate a width of approximately six feet along the entire Whittier Boulevard frontage of the project site.

Mitigation Measure 3.4.3: All truck traffic associated with project construction shall utilize Atlantic Boulevard or any other acceptable haul route for access to and from the project site to the satisfaction of the Los Angeles County Department of Public Works.

Mitigation Measure 3.4.4: Prior to the issuance of grading or building permits, the following items shall be submitted to the Los Angeles County Department of Public Works, Traffic and Lighting Division for review and approval:

- 1) Detailed striping and traffic signal plans for the proposed mitigation measures. The plans shall include any necessary modifications to the existing photo red light system at the intersection of Atlantic Boulevard and Whittier Boulevard.
- 2) A 40-foot-scale site plan of the project showing site access locations, interior circulation, parking, adjacent intersections/driveways, and opposite driveways along the project site.

VIII. FINDING REGARDING POTENTIAL SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE MITIGATED TO A LEVEL LESS THAN SIGNIFICANT

This section is prepared in accordance with CEQA Guidelines Section 15126.2(b), which requires the discussion of any significant environmental effects that cannot be avoided if a project is implemented. These include impacts that can be mitigated, but cannot be reduced to a less than significant level. An analysis of environmental impacts caused by the proposed Project has been conducted and is contained in the EIR. As discussed in the environmental impact analysis presented in Section 3.0 of this EIR, the proposed Project would result in significant unavoidable adverse impacts in the area of cultural resources. Consequently, in accordance with Section 15093 of the state CEQA Guidelines, a Statement of Overriding Considerations has been prepared (Section XIII) to substantiate the County's decision to accept this unavoidable substantial, adverse environmental effect because of benefits afforded by the project.

A. Cultural Resources

Impact: *Cause a substantial adverse change in the significance of a historical resource*

Substantial alterations or modifications to the character-defining features of the historic Golden Gate Theater building may represent an irretrievable loss of items considered to be historically significant.

Finding:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Additionally, specific economic, legal, social, technological, or other consideration, including

provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Facts in Support of Finding:

The Project will not result in a substantial adverse change to the historical significance of the Golden Gate Theater. The modified project design strives to maintain most of the Golden Gate Theater building's historic fabric (including the balcony) and sequence of space to the maximum extent feasible while accommodating the retail use. The Project incorporates and preserves many of the Golden Gate Theater's character-defining features, including: (1) retaining, restoring, and/or treating many exterior features; (2) maintaining the overall scale, height, and sequence and volume of space in the Golden Gate Theater building; (3) treating and exposing 75% of the original lobby, underside of the balcony, and auditorium ceilings; (4) retaining original light fixtures, and (5) treating and exposing original auditorium walls, including the proscenium arch and the leading edge of the balcony. The Project's Conditions of Approval require that the lobby concession shell be crated and stored on site, the original auditorium floor be leveled in a reversible manner, original materials to be stored on site be inventoried and stored in the mezzanine or balcony, the balcony and mezzanine be mothballed, and the tenant incorporate a minimum of six historic photographs and panels into the interior design. In addition, the modified project design ensures that the Project is reversible, meaning the Golden Gate Theater building could be converted back into theater use in the future without the loss of the qualities that made the Golden Gate Theater an historic resource. Furthermore, implementation of mitigation measures 3.2.1 through 3.2.8 will ensure that the Project does not result in a substantial adverse change to the historical significance of the Golden Gate Theater. Because the Project, as mitigated, does not result in a substantial adverse change to the historical significance of the Golden Gate Theater, it does not result in material impairment and, accordingly, does not result in a significant impact under CEQA. The conclusion that the Project will not result in a substantial adverse change is confirmed by a number of technical reports and comments provided by the County's architectural historical expert, Robert Chattel with Chattel Architecture Planning and Preservation, Inc. However, because the modified project design has not yet gone through the design development process, it is conceptual and meant to be flexible, presenting a range of options to be further studied during design development. Given that the modified project design does not conform with the *Secretary of the Interior's Standards*, the conservative approach is to concede that the modified project design will result in significant impacts to historical resources, which would require adoption of a Statement of Overriding Considerations.

Mitigation Measure 3.2.1: Maintenance, repair, stabilization, restoration, preservation, and conservation of all of the exterior and certain elements of the interior of the Golden Gate Theater Building shall be conducted in a manner consistent with the Rehabilitation Standards of the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Secretary's Standards, 1995), Weeks and Grimmer, as set forth in the Final EIR. Prior to the issuance of a building permit and to the satisfaction of the Los Angeles County Department of Regional Planning ("DRP"), the project developer shall retain a qualified professional architectural historian to prepare a Secretary's Standards conformance report, and oversee and advise on the rehabilitation of the Golden Gate Theater Building. Supervision will include activities relating to materials selection,

construction methods, and aesthetic and physical exterior and interior alterations that are to be utilized, and the manner in which they are to be employed in rehabilitation of the historical resource. At a minimum, the project shall retain key elements essential to theater function, as set forth in the Final EIR. The design development plans shall be reviewed with the California Historical Building Code (CHBC, Part 8 of Title 24) provisions for compliance to the best reasonable extent.

Mitigation Measure 3.2.2: The Los Angeles County Historical Landmarks and Records Commission shall review and approve the design development plans for consistency of the maintenance, repair, stabilization, restoration, preservation and conservation of the exterior and certain elements of the interior of the Golden Gate Theater Building as noted in Mitigation Measure 3.2.1 with the Secretary of the Interior's Standards for Rehabilitation.

Mitigation Measure 3.2.3: A "Historic American Building Survey" ("HABS") documentation shall be prepared to the satisfaction of the DRP. Such a procedure involves the recording of the structure through a written report and large-format photographs. The documentation would be completed on standardized forms and would be accurate in detail to such an extent that after alteration, the structure could be restored/reconstructed from the survey data. Copies of the documents shall be filed with the appropriate State (State of California, Office of Historic Preservation) and local repositories (Los Angeles County Central Library).

Mitigation Measure 3.2.4: All repair and cleaning work on architecturally or historically significant features shall be conducted according to the design development plans and specifications prepared by a qualified preservation architect to the satisfaction of the Department of Regional Planning. In addition, the repair and cleaning work shall be conducted by a contractor experienced and qualified in the repair or cleaning of such features as ornamental plaster and iron work.

Mitigation Measure 3.2.5: A Secretary's Standards conformance report shall be prepared by a qualified professional architectural historian identified in Mitigation Measure 3.2.1 to evaluate the design development plans of the modified project design for conformance with the Secretary of the Interior's Standards for Treatment of Historical Properties noted in Mitigation Measure 3.2.1. The design development plans shall include, but not limited to, the following:

- A study of options to minimize the number of attachments necessary to connect banner signage to the building exterior if any banner signage is proposed.
- A study on the feasibility of heating and cooling the high volume auditorium space. A range of options for treatment of the high volume auditorium space between the balcony edge and stage shall be evaluated based on specific needs of the tenant, with the goal of exposing the volume of the space and decorative ceiling and walls to the maximum extent feasible. In addition, cleaning of the attic space

between the historic ceiling and the roof of the auditorium shall be studied and the treatment of this issue may factor into the ability to expose all or certain portions of the historic ceiling.

- A study of a range of options for treatment of the new wall to emphasize the stage space. It may be painted in *tromp l'oeil* fashion to mimic a partially drawn-up stage curtain or will otherwise finished in a fashion emphasizing the stage area.
- A range of options for treatment of the coffered underside of the balcony shall be evaluated based on specific needs of the tenant. A suspended grid system incorporating light fixtures without acoustical ceiling tiles (exposing the underside of the balcony) shall be considered.
- Further consideration on the retention rather than removal of the existing fire escape stair on the east elevation.
- Selection of paint color choices for the building exterior based on tenant needs and recommendations provided by the qualified architectural historian identified in Mitigation Measure 3.2.1.

Mitigation Measure 3.2.6: The decorative features, including ornament and openings on the north elevation shall be retained and shall be cleaned and maintained with gentlest means possible at less than 400 psi, to be determined after inspection and recommendation by a qualified masonry restoration specialist.

Mitigation Measure 3.2.7: Detailed, hand measured drawings and selective templates prepared by a qualified preservation architect shall be made of the lobby stair for possible future reconstruction.

Mitigation Measure 3.2.8: Alterations to the Golden Gate Theater building (interior or exterior) shall be prohibited until a tenant has signed a lease.

IX. FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL EFFECTS THAT ARE LESS THAN SIGNIFICANT

Pursuant to Section 15130 of the CEQA Guidelines, the following findings and statements of fact identify potentially significant cumulative impacts discussed in the Final EIR and the Project's incremental contribution to the impact. For the following potentially significant cumulative impacts categories, the Project's incremental effect is not cumulatively considerable.

A. Noise

Impact: *Increase in ambient noise levels*

The combined effect of the project-related construction activity and related projects will increase noise levels.

Finding:

The Project cumulative effect on noise levels is less than significant, and its incremental effect on noise is not cumulatively considerable.

Facts in Support of Finding:

The adjacent residential and commercial uses would be exposed to only limited construction-related noise sources. Furthermore, there are no related projects near enough to the Project to have a measurable, direct cumulative noise impact at the project. Additionally, the proposed Project itself would not be a permanent source of noise and, therefore would not contribute to cumulative noise impacts. Noise impacts from the Project would thus be cumulatively less than significant.

B. Global Climate Change

Impact: *Greenhouse Gas Emissions*

GHG emissions generated by short-term construction activity and long-term operations of the Project.

Finding:

The Project's cumulative effect on greenhouse gas emissions is less than significant, and its incremental effect on greenhouse gas emissions is not cumulatively considerable.

Facts in Support of Finding:

The emissions generated by the Project would be small, approximately 2,818 Metric Tons (MT) per year. The California Air Pollution Control Officers Association ("CAPCOA") recommends 10,000 MT CO₂ per year as the threshold. California Air Resources Board ("CARB") in their draft guidelines is recommending a threshold of 7,000 MT CO₂ per year for industrial projects. The estimated Project emissions are below these thresholds, and as a result, the Project is not considered to have a significant cumulative impact.

X. FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL EFFECTS THAT ARE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

A. Aesthetics/Light and Glare

Impact: *Lighting and Glare Impacts*

Implementation of the Project would result in the introduction of additional daytime and nighttime glare and light sources from what existed previously.

Finding:

The Project will create additional sources of light as part of the reuse and renovation of the two buildings as well as the use of the adjoining parking lots. However, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the

potentially significant cumulative environmental effects to less than significant, as identified in the Final EIR. The Project's incremental effect on lighting and glare is not cumulatively considerable.

Facts in Support of Finding:

There are no related projects near enough to the Project to have a measurable, direct cumulative night lighting impact at the Project. Additionally, because the lighting proposed by the Project will be necessary to provide security per County Code requirements, all lighting sources will be properly maintained on-site and shielded to minimize the effect of glare upon adjacent properties. Therefore, the installation of exterior building and security lighting in conformance with Mitigation Measures 3.1.1 – 3.1.3 would have a less than significant cumulative impact.

B. Solid Waste

Impact: *Comply with Federal, State, and local statutes and regulations related to solid waste*

Implementation of the Project along with the related projects would contribute to the cumulative solid waste impacts, although during relatively short periods of time only. This could result in a reduced lifespan of the affected landfill.

Finding:

The project's cumulative effect on solid waste disposal facilities is less than significant, and its incremental effect on solid waste disposal facilities is not cumulatively considerable.

Facts in Support of Finding:

The proposed Project could cause incremental increases in the demand for landfill capacity for solid waste. However, these increases would be negligible and could easily be accommodated by the County-wide system currently in place. Consequently, the Project's potential to contribute to the cumulative impacts of solid waste disposal is minimal and less than significant impact. Furthermore, Mitigation Measure 3.3.3 would address the impacts associated with the amount of construction and demolition debris that would be generated from development of the Project. This mitigation measure requires that a minimum of 50% of the construction and demolition debris generated by the Project be recycled or reused, which further reduces the demand on the County-wide system. Implementation of this mitigation measure would reduce the cumulative impact to a level that is less than significant.

C. Traffic and Circulation

Impact: *Increase in Traffic Generation*

Implementation of the Project may cumulatively impact the intersection Atlantic Boulevard and Whittier Boulevard.

Finding:

The Project's cumulative effect on traffic and access is less than significant, and its incremental effect on traffic and access is not cumulatively considerable.

Facts in Support of Finding:

Traffic generated by the Project plus cumulative conditions is not expected to cause the intersections of Whittier Boulevard and Atlantic Boulevard to worsen from acceptable to unacceptable conditions, or cause an unacceptable Intersection Capacity Utilization (ICU) to increase by 0.02 or more. Consequently, the Project plus cumulative conditions is not expected to exceed the applicable thresholds of significance at any of the study intersections.

XI. FINDING REGARDING CUMULATIVE ENVIRONMENTAL EFFECTS THAT CANNOT BE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The County has determined that, although Final EIR mitigation measures, design features included as part of the Project, and conditions of approval be imposed on the Project will provide a substantial mitigation of the following effects, these effects cannot feasibly or effectively mitigated to a less than significant level. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Consideration has been prepared (Section XIII) to substantiate the County's decision to accept these unavoidable substantial, adverse environmental effects because of the benefits afforded by the Project.

A. Cultural Resources

Impact: *Cause a substantial adverse change in the significance of a historical resource.*

Significant impacts to the Golden Gate Theater combined with the loss or substantial alteration of other 1920s neighborhood movie palaces in Los Angeles, stemming from past, present, and reasonably foreseeable future projects, may create a significant cumulative impact.

Finding:

Modifications to the character-defining features of the historic Golden Gate theater and its change in use represent an irretrievable loss of items considered to be a significant cumulative cultural resources impact.

Facts in Support of Finding:

Numerous 1920's neighborhood movie palaces in Los Angeles have been lost due to demolition or significantly altered. Additionally, it is reasonably foreseeable that future projects may demolish or substantially alter the remaining 1920s neighborhood movie palaces in Los Angeles for a number of reasons, including: 1) they become less profitable for the owners due to their size, single-screen configuration and/or seating arrangement, 2) the urban land beneath them may become more valuable for other types of uses, 3) the expense of earthquake repairs and/or seismic upgrades may make such repairs cost-prohibitive, and 4) the public's entertainment expectations and desired movie-going experiences may change. Therefore, significant impacts to the Golden Gate Theater could combine with future loss and/or alteration of the remaining 1920s movie palaces to create a potentially significant cumulative impact.

The Project will not result in a substantial adverse change to the historical significance of the Golden Gate Theater. The modified project design strives to maintain most of the Golden Gate

Theater building's historic fabric (including the balcony) and sequence of space to the maximum extent feasible while accommodating the retail use. The Project incorporates and preserves many of the Golden Gate Theater's character defining features, including: (1) retaining, restoring, and/or treating many exterior features; (2) maintaining the overall scale, height, and sequence and volume of space in the Golden Gate Theater building; (3) treating and exposing 75% of the original lobby, underside of the balcony, and auditorium ceilings; (4) retaining original light fixtures, and (5) treating and exposing original auditorium walls, including the proscenium arch and the leading edge of the balcony. The Project's Conditions of Approval require that the lobby concession shell be crated and stored on site, the original auditorium floor be leveled in a reversible manner, original materials to be stored on site be inventoried and stored in the mezzanine or balcony, the balcony and mezzanine be mothballed, and the tenant incorporate a minimum of six historic photographs and panels into the interior design. In addition, the modified project design ensures that the Project is reversible, meaning the Golden Gate Theater building could be converted back into theater use in the future without the loss of the qualities that made the Golden Gate Theater an historic resource. Furthermore, implementation of mitigation measures 3.2.1 through 3.2.8 will ensure that the Project does not result in a substantial adverse change to the historical significance of the Golden Gate Theater. Because the Project, as mitigated, does not result in a substantial adverse change to the historical significance of the Golden Gate Theater, it does not result in material impairment and, accordingly, does not result in a significant impact under CEQA. The conclusion that the Project will not result in a substantial adverse change is confirmed by a number of technical reports and comments provided by the County's architectural historical expert, Robert Chattel with Chattel Architecture Planning and Preservation, Inc. However, because the modified project design has not yet gone through the design development process, it is conceptual and meant to be flexible, presenting a range of options to be further studied during design development. Given that the modified project design does not conform with the *Secretary of the Interior's Standards*, the conservative approach is to concede that the modified project design will result in significant impacts to historical resources, which would require adoption of a Statement of Overriding Considerations.

XII. FINDINGS REGARDING ALTERNATIVES TO THE PROJECT

The EIR contains a range of alternatives to the proposed Project to provide informed decision making in accordance with CEQA Guidelines Section 15126(a). As described below, the alternatives analyzed in this EIR include:

- **Alternative 1 – No Project/No Development.** Under this alternative, no development of the project site would occur. The project site would remain in its current vacant state and no adaptive re-use of the Golden Gate Theater or Jim's Burger would take place.
- **Alternative 2 – Theater Re-Use.** This alternative proposes the reuse and rehabilitation of the Golden Gate Theater as originally designed circa 1920s and the renovation and re-opening of the Jim's Burgers building.
- **Alternative 3 – Restaurant/Nightclub.** This alternative proposes the adaptive reuse and rehabilitation of the Golden Gate Theater for use as a restaurant/nightclub and the renovation and re-opening of the Jim's Burgers building.

- **Alternative 4 – Church Use.** This alternative proposes the adaptive reuse and rehabilitation of the Golden Gate Theater for use as a church and the renovation and re-opening of the Jim's Burgers building.

A. Alternatives Eliminated From Further Consideration

Alternatives that are remote or speculative, or effects of which cannot be reasonably predicted, need not be considered pursuant to CEQA Guidelines Section 15126(f)(2). As set forth in CEQA Guidelines Section 15126.6(c), alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects.

The Applicant evaluated a number of project alternatives to identify ways to mitigate and/or avoid significant environmental impacts associated with the proposed Project. For practical reasons however, not every alternative was analyzed in thorough detail and many were deemed infeasible, and thus dismissed from consideration. One of the alternatives involved the possibility of an alternate site location for the Project. The alternate site alternative was determined to be infeasible due to the fact that the subject property is currently owned by the Applicant thus; the Project proponent has no financial burden relative to securing property for the project. In addition, the alternative site alternative would not meet the project objective to maintain the historic integrity and value of the existing vacant theater building through its adaptive re-use so that it retains as many of its significant elements as possible.

B. No Project Alternative (Alternative 1)

Description:

This alternative considers what would reasonably be expected to occur on the site in the absence of the proposed Project. This alternative would not allow implementation of the proposed Project or other physical improvements to the historical Golden Gate Theater building or the Jim's Burger building beyond what already exists. The buildings are in a state of disrepair. Additionally, the current unsafe conditions at the proposed Project site would continue to be present.

Finding:

The Board of Supervisors finds that the No Project Alternative would not meet any of the Project objectives and would not meet the goals and objectives of the County's General Plan. In addition, the No Project Alternative would not benefit from the positive features of the proposed Project. Under the No Project Alternative, the unsafe conditions that currently exist at the proposed Project site would continue to be present. This alternative would not reduce the safety hazards associated with the buildings, or promote the enhancement and restoration of the historical Golden Gate Theater building, and the Project site would continue to attract criminal behavior.

Facts in Support of the Finding:

The No Project Alternative does not achieve any of the four objectives of the proposed Project. The No Project Alternative would not encourage the rehabilitation of existing commercial uses and development of new commercial infill along the major corridors (Whittier, Olympic and

Atlantic Boulevards) where commercial uses are designated on the Land Use Plan map and where transportation and other municipal services can support development. Further, the No Project Alternative would fail to promote, encourage and support the strengthening of existing industrial and commercial job producing activities by creating a project that could provide job-producing activities in East Los Angeles. Furthermore, the absence of activity and improvements on the Project site would not only prevent the visual characteristics of the site from being enhanced, but it would also create a situation in which the Project site would continue to deteriorate.

C. Theater Re-Use Alternative (Alternative 2)

Description:

This alternative considers restoring the Golden Gate Theater to its original design circa 1920s as a single screen 1,500 seat theater use and re-opening the Jim's Burger building. Restoring the Golden Gate Theater to its original design would have less than significant impacts to cultural resources than the proposed Project, which would include renovations to accommodate a retail pharmacy use, and more of the interior of the original structure would remain intact. However, this alternative would have greater parking demands than the proposed Project. The Theater Re-use Alternative, based on a seating capacity of 1,500, would require 500 on-site parking spaces (1 space/3 persons), which is significantly higher than the 31 spaces required by County Code (34 spaces are being provided) for the proposed pharmacy, and significantly more than the site will accommodate. The re-opened restaurant requires 10 additional parking spaces. Thus, parking for the Theater Re-Use Alternative could not be provided on-site or in the surrounding area. The Theater Re-Use Alternative would also have greater solid waste impacts than the proposed Project.

Finding:

The Board of Supervisors hereby finds that the Theater Re-Use Alternative is infeasible and unreasonable and will, therefore, not be adopted in lieu of the proposed Project.

Facts in Support of the Finding:

The Theater Re-Use Project Alternative would achieve three of the four objectives of the proposed Project. The Theater Re-Use Alternative would fail to promote and support the strengthening of existing industrial and commercial job producing activities because no applicant has expressed interest in the restoration of the Golden Gate Theater as a theater. The only reuse application is for a pharmacy, and given that the building has remained vacant for nearly 20 years with no application for a theater, such a reuse is unlikely and therefore considered infeasible. Moreover, the Theater Re-Use Alternative may fail to promote, encourage or support the strengthening of existing industrial and commercial job producing activities by producing a project that potentially may not be economically viable given the lack of interest shown in single screen theaters. In addition, the Theater Re-Use Alternative would not be able to accommodate the significant increase in the amount of on-site parking needed to accommodate the proposed Theater Re-Use Alternative, and would have greater solid waste impacts than the proposed Project.

D. Restaurant/Nightclub Alternative (Alternative 3)

Description:

This Restaurant/Nightclub Alternative considers the adaptive reuse and rehabilitation of the Golden Gate Theater building for use as a restaurant/nightclub and the renovation and re-opening of the Jim's Burger building. Renovating the Golden Gate Theater Building to accommodate a restaurant/nightclub would have similar significant impacts to cultural resources as the proposed Project, and may or may not result in a significant impact on the historic significance of the Golden Gate Theater building. This alternative would have greater parking demands than the proposed Project. The Restaurant/Nightclub Alternative, based on a seating capacity of 425 persons, would require 141 on-site parking spaces (1 space/3 persons), which is significantly higher than the 31 spaces required by County Code (34 spaces are being provided) for the proposed pharmacy, and significantly more than the site will accommodate. The re-opened restaurant requires 10 additional parking spaces. Thus, parking for the Restaurant/Nightclub Alternative could not be provided on-site or in the surrounding area. The Restaurant/Nightclub Alternative would also have greater solid waste impacts than the proposed Project.

Finding:

The Board of Supervisors hereby finds that the Restaurant/Nightclub Alternative is infeasible and impracticable and will, therefore, not be adopted in lieu of the proposed Project.

Facts in Support of the Finding:

The Restaurant/Nightclub Alternative would achieve the four objectives of the proposed Project, but would not be able to accommodate the significant increase in the amount of on-site parking needed to accommodate the proposed Restaurant/Nightclub Alternative, and would have greater solid waste impacts than the proposed Project. In addition, the Restaurant/Nightclub Alternative would have similar significant impacts on cultural resources as the proposed Project, and may or may not result in a significant impact on the historic significance of the Golden Gate Theater building. However, no applicant has expressed interest in the adaptive reuse and rehabilitation of the Golden Gate Theater building as a restaurant/nightclub. The only reuse application is for a pharmacy, and given that the building has remained vacant for nearly 20 years with no application for a restaurant/nightclub use, such a reuse is unlikely and therefore considered infeasible.

E. Church Alternative (Alternative 4)

Description:

This Church Alternative considers the adaptive reuse and rehabilitation of the Golden Gate Theater for use as a church and the renovation and re-opening of the Jim's Burger building. Renovating the Golden Gate Theater building to accommodate a church would have less significant impacts to cultural resources than the proposed Project. The use of the building as a church could be consistent with the restoration of the facility to its original design and would likely require less renovation to the character defining features of the building. Interior and exterior renovations required for this alternative would likely not compromise the integrity of the historical resource. However, this alternative would have greater parking demands than the proposed

Project. The parking requirement for the Church Alternative was estimated using Los Angeles County parking standards for churches, which is based on the building occupant load. The occupant load assumption for the building is 650 persons. Parking required for the Church Alternative would be 130 spaces (1 space for each 5 persons permitted under the occupancy load), which is significantly higher than the 31 spaces required by County Code (34 spaces are being provided) for the pharmacy, and significantly more than the site will accommodate. The re-opened restaurant requires 10 additional parking spaces. Thus, parking for the Church Alternative could not be provided on site.

Finding:

The Board of Supervisors hereby finds that the Church Alternative is infeasible and unreasonable and will, therefore, not be adopted in lieu of the proposed Project.

Facts in Support of the Finding:

The Church Alternative would achieve three of the four objectives of the proposed Project. This alternative would fail to promote and support the strengthening of existing industrial and commercial job producing activities or creating an environment conducive to economic growth by creating a church use that operates as a non-profit organization and would not offer taxable goods or services to provide a revenue source to the County that could assist in providing needed improvements and services to the East Los Angeles Community. The Church Alternative would not be able to accommodate the significant increase in the amount of on-site parking needed to accommodate the proposed Church Alternative. Additionally, as discussed in Alternative 2 and 3, the only reuse application is for a pharmacy, and given that the building has remained vacant for nearly 20 years with no application for a church use, such a reuse is unlikely and therefore considered infeasible. The Church Alternative would not achieve all of the Project objectives.

F. Environmentally Superior Alternatives

The Theater Re-Use Alternative (Alternative 2) and Church Alternative (Alternative 4) respectively) are considered to be the environmentally superior alternatives. Both Alternatives were determined to have the fewest negative impacts on the physical environment. The Theater Re-Use and Church Alternatives would have less adverse environmental impacts than the proposed Project; however, Theater Re-Use and Church Alternatives would not meet all of the objectives of the Project. Additionally, no Applicant has expressed interest in the adaptive reuse of the building for a theater or church use. The only reuse application is for a pharmacy use, and given that the building has remained vacant for nearly 20 years with no application for a theater or church use, such reuse is unlikely and therefore considered infeasible.

XIII. STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROJECT

The Board of Supervisors finds that implementation of the Golden Gate Theater Re-Use Project will result in the occurrence of unavoidable significant environmental effects in the area of cultural resources. Pursuant to Section 21081 of Public Resources Code and Section 15093 of the CEQA Guidelines, the Board of Supervisors has determined that specific economic, legal, social, technological, or other benefits of the Golden Gate Theater Re-Use Project outweigh the unavoidable adverse environmental effects of

the Project. Accordingly, the Board of Supervisors hereby adopts the Statement of Overriding Considerations, which is incorporated by reference and attached as Exhibit B to these Findings.

XIV. FINDING REGARDING THE MITIGATION MONITORING AND REPORTING PLAN

Pursuant to Public Resources Code Section 21081.6 the Board of Supervisors, in adopting these Findings, also approves the Mitigation Monitoring and Reporting Program ("MMRP"), attached hereto as Exhibit A, for the Project. The Board of Supervisors will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is also found in Section VII of the Final EIR.

XV. CERTIFICATION OF THE FINAL EIR

Pursuant to Public Resources Code Section 21082.1(c), the Los Angeles County Board of Supervisors hereby CERTIFIES and FINDS that:

1. The Final EIR, State Clearinghouse No. 2006051069, has been completed in compliance with CEQA;
2. The Final EIR has been presented to the Los Angeles County Board of Supervisors, which has independently reviewed and analyzed the information contained in the Final EIR prior to acting on the Project;
3. The Final EIR reflects the County's independent judgment and analysis.

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Golden Gate Theater Re-Use Project
909 & 933 S. Atlantic Boulevard/Project No. RCUPT200800136/Environmental Review No. RENV200500198
Mitigation Monitoring Program

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
Aesthetics				
<u>Mitigation Measure 3.1.1:</u> Building security lighting and parking lot lighting shall be designed so that no substantial light or glare would impact nighttime views of the surrounding area.	Project Applicant	Design building and security lighting so that no substantial light or glare would impact nighttime views of the surrounding area.	Los Angeles County Department of Public Works and Los Angeles County Department of Regional Planning	During construction and Project lifetime
<u>Mitigation Measure 3.1.2:</u> Lighting shall be directed downward and inward to the greatest extent possible in order to limit lighting impacts, yet provide for adequate safety and security for building occupants and visitors.	Project Applicant	Direct lighting downward and inward to limit lighting impacts, yet provide adequate safety and security for building occupants and visitors.	Los Angeles County Department of Public Works and Los Angeles County Department of Regional Planning	During construction and Project lifetime
<u>Mitigation Measure 3.1.3:</u> Lighting design features that would reduce light and glare impacts shall be incorporated into the final project design. These features include the use of low wattage bulbs with prismatic glass coverings that inhibit the spread of light and the shielding of lights to reduce glare such that neither the light source nor its image from a reflective surface is directly visible from any point measured five feet from the property line.	Project Applicant	Incorporate lighting design features that would reduce light and glare impacts including the use of low wattage bulbs and prismatic glass coverings on exterior light fixtures.	Los Angeles County Department of Public Works and Los Angeles County Department of Regional Planning	During construction and Project lifetime
Cultural Resources				
<u>Mitigation Measure 3.2.1:</u> Maintenance, repair, stabilization, restoration, preservation,	Project Applicant	Hire a professional architectural historian to	Los Angeles County Department of Regional Planning	Prior to issuance of

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
and conservation of all of the exterior and certain elements of the interior of the Golden Gate Theater Building shall be conducted in a manner consistent with the Rehabilitation Standards of the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Secretary's Standards, 1995), Weeks and Grimmer, as set forth in the Final EIR. Prior to the issuance of a building permit and to the satisfaction of the Los Angeles County Department of Regional Planning (DRP), the project developer shall retain a qualified professional architectural historian to prepare a Secretary's Standards conformance report, and oversee and advise on the rehabilitation of the Golden Gate Theater Building. Supervision will include activities relating to materials selection, construction methods, and aesthetic and physical exterior and interior alterations that are to be utilized, and the manner in which they are to be employed in rehabilitation of the historical resource. At a minimum, the project shall retain key elements essential to theater function, as set forth in the Final EIR. The design development plans shall be reviewed with the California Historical Building Code (CHBC, Part 8 of Title 24) provisions for compliance to the best reasonable extent.		oversee and advise on the rehabilitation plan, and review the design development plans against the State Historical Building Code for compliance to the maximum extent possible.		building permit

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Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<u>Mitigation Measure 3.2.2:</u> The Los Angeles County Historical Landmarks and Records Commission shall review and approve the design development plans for consistency of the maintenance, repair, stabilization, restoration, preservation and conservation of the exterior and certain elements of the interior of the Golden Gate Theater Building as noted in Mitigation Measure 3.2.1 with the Secretary of the Interior's Standards for Rehabilitation.	Project Applicant	Obtain approval of the design development plans from the Los Angeles County Historical Landmarks Commission	Los Angeles County Department of Regional Planning and Los Angeles County Historical Landmarks Commission	Prior to issuance of building permits
<u>Mitigation Measure 3.2.3:</u> A "Historic American Building Survey" (HABS) documentation shall be prepared to the satisfaction of the DRP. Such a procedure involves the recording of the structure through a written report and large-format photographs. The documentation would be completed on standardized forms and would be accurate in detail to such an extent that after alteration, the structure could be restored/reconstructed from the survey data. Copies of the documents shall be filed with the appropriate State (State of California, Office of Historic Preservation) and local repositories (Los Angeles County Central Library).	Project Applicant	Submit a Historic American Building Survey for approval by Los Angeles County Department of Regional Planning; the survey shall be filed once approved	Los Angeles County Department of Regional Planning, State of California Office of Historic Preservation, and Los Angeles County Central Library	Prior to issuance of building permits
<u>Mitigation Measure 3.2.4:</u> All repair and cleaning work on architecturally or historically significant features shall be conducted according to the design development plans	Project Applicant	Have design development plans and specifications prepared by a qualified preservation architect. Hire	Los Angeles Department of Public Works and Los Angeles County Department of Regional Planning	Prior to issuance of building permit and

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Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
and specifications prepared by a qualified preservation architect to the satisfaction of the Department of Regional Planning. In addition, the repair and cleaning work shall be conducted by a contractor experienced and qualified in the repair or cleaning of such features as ornamental plaster and iron work.		an experienced and qualified contractor to repair or clean any of the historically significant features.		during construction
<p>Mitigation Measure 3.2.5: A Secretary's Standards conformance report shall be prepared by a qualified professional architectural historian identified in Mitigation Measure 3.2.1 to evaluate the design development plans of the modified project design for conformance with the Secretary of the Interior's Standards for Treatment of Historical Properties noted in Mitigation Measure 3.2.1 The design development plans shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ A study of options to minimize the number of attachments necessary to connect banner signage to the building exterior if any banner signage is proposed. ▪ A study on the feasibility of heating and cooling the high volume auditorium space. A range of options for treatment of the high volume auditorium space between the balcony edge and stage shall be evaluated based on specific needs of the tenant, with the goal of 	Project Applicant	Minimize the number of attachments necessary to connect banner signage to the building; Expose as much volume of space in the auditorium area between the balcony and edge of the stage as reasonably possible; treat the walls to emphasize the stage space; expose the coffered underside of the balcony as reasonably possible; retain the fire escape stairs if possible; paint the building the color recommended by the qualified architectural historian; conduct required studies	Los Angeles County Department of Regional Planning and Los Angeles County Historical Landmarks Commission	Prior to issuance of building permit

HOA: 715583.1

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>exposing the volume of the space and decorative ceiling and walls to the maximum extent feasible. In addition, cleaning of the attic space between the historic ceiling and the roof of the auditorium shall be studied and the treatment of this issue may factor into the ability to expose all or certain portions of the historic ceiling.</p> <ul style="list-style-type: none"> ▪ A study of a range of options for treatment of the new wall to emphasize the stage space. It may be painted in <i>tromp l'oeil</i> fashion to mimic a partially drawn-up stage curtain or will be otherwise finished in a fashion emphasizing the stage area. ▪ A range of options for treatment of the coffered underside of the balcony shall be evaluated based on specific needs of the tenant. A suspended grid system incorporating light fixtures without acoustical ceiling tiles (exposing the underside of the balcony) shall be considered. ▪ Further consideration on the retention rather than removal of the existing fire escape stair on the east elevation. ▪ Selection of paint color choices for the building exterior based on tenant needs and recommendations provided by the qualified architectural historian identified in Mitigation Measure 3.2.1. 				

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Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<u>Mitigation Measure 3.2.6:</u> The decorative features, including ornament and openings on the north elevation shall be retained and shall be cleaned and maintained with gentlest means possible at less than 400 psi, to be determined after inspection and recommendation by a qualified masonry restoration specialist.	Project Applicant	Clean and maintain the exterior of the building using the gentlest means possible	Los Angeles County Department of Regional Planning	During construction and project operation
<u>Mitigation Measure 3.2.7:</u> Detailed, hand measured drawings and selective templates prepared by a qualified preservation architect shall be made of the lobby stair for possible future reconstruction.	Project Applicant	Provide hand measured drawings of the lobby stair.	Los Angeles County Department of Regional Planning	Prior to issuance of building permit
<u>Mitigation Measure 3.2.8:</u> Alterations to the Golden Gate Theater building (interior or exterior) shall be prohibited until a tenant has signed a lease.	Project Applicant	Submit a signed lease by the tenant prior to any alterations to the building being conducted.	Los Angeles County Department of Regional Planning	Prior to issuance of building permit
Solid Waste				
<u>Mitigation Measure 3.3.1</u> -- The project shall implement a recycling program for the diversion of recyclable cardboard packaging materials. The program will entail the	Project Applicant	Implement a recycling program.	Los Angeles County Department of Public Works	Occupancy

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
separation of eligible materials from its solid waste stream for transfer to and re-use by recycling entities.				
Mitigation Measure 3.3.2 – The project shall provide recycling bins to promote recycling of paper, metal, glass, and other recyclable materials.	Project Applicant	Provide recycling bins on the site.	Los Angeles County Department of Public Works	During Occupancy
Mitigation Measure 3.3.3 – The project shall comply with Chapter 20.87 of the Los Angeles County Code requiring that a minimum of 50% of the construction and demolition debris generated by the proposed project be recycled or reused. A Construction and Demolition Debris Recycling and Reuse Plan shall be filed with the Los Angeles County Department of Public Works and an approval shall be obtained in conformance with the County Code requirements. Recycling and reuse of the construction and demolition debris shall be performed in accordance with the approved plan, and the requisite Progress Report Form(s), Final Compliance Report Form, and any required Recycling and Reuse Amendment Forms shall be submitted as required.	Project Applicant	Prepare a recycling and Reuse plan that requires 50% of the demolition and construction debris to be recycled.	Los Angeles County Department of Public Works	During construction
Mitigation Measure 3.3.4: The proposed re-opening of the Jim's Burgers building as a	Project Applicant	Install a grease treatment device.	Los Angeles County Department of Public Works	During construction

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
restaurant shall require provision of a grease treatment device and shall be subject to review and approval by the County Department of Public Works.				
Mitigation Measure 3.3.5: Should any operation within the subject project include the construction, installation, modification, or removal of underground storage tanks, industrial waste treatment or disposal facilities, and/or storm water treatment facilities, Public Works' Environmental Programs Division shall be contacted for required approvals and operating permits	Project Applicant	Obtain approval and operating permits if required	Los Angeles County Department of Public Works	During construction
Traffic				
Mitigation Measure 3.4.1: The eastbound approach of Whittier Boulevard to Atlantic Boulevard, adjacent to the site shall be widened to provide an eastbound right-turn lane to the satisfaction of the Los Angeles County Department of Public Works. The new lane shall be 100 feet in length, measured from the existing crosswalk/limit line. A 60 foot long transition shall connect the new, widened curb to the existing curb in front of the new commercial development to the west of the pharmacy site. The right-turn lane shall be 12 feet wide and the two straight lanes adjacent to it shall each be widened by re-striping from 10 feet to 11 feet.	Project Applicant	Construct the required street improvements along Atlantic Boulevard.	Los Angeles County Department of Public Works	During Construction

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<u>Mitigation Measure 3.4.2:</u> In order to maintain the existing sidewalk width of 15 feet, the project developer shall dedicate a width of approximately six feet along the entire Whittier Boulevard frontage of the drug store site.	Project Applicant	Dedicate 6 feet along Whittier Boulevard.	Los Angeles County Department of Public Works	Prior to issuance of grading or building permit
<u>Mitigation Measure 3.4.3:</u> All truck traffic associated with project construction shall utilize Atlantic Boulevard or any other acceptable haul route for access to and from the project site to the satisfaction of the Los Angeles County Department of Public Works.	Project Applicant	All truck traffic during construction shall use Atlantic Boulevard.	Los Angeles County Department of Public Works	During construction
<u>Mitigation Measure 3.4.4:</u> Prior to the issuance of grading or building permits, the following items shall be submitted to the Los Angeles County Department of Public Works, Traffic and Lighting Division for review and approval: <ul style="list-style-type: none"> 1) Detailed striping and traffic signal plans for the proposed mitigation measures. The plans shall include any necessary modifications to the existing photo red light system at the intersection of Atlantic Boulevard at Whittier Boulevard. 2) A 40-foot-scale site plan of the 	Project Applicant	Submittal and approval of striping and traffic signal plans.	Los Angeles County Department of Public Works	Prior to issuance of grading or building permit

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
project showing site access locations, interior circulation, parking, adjacent intersections/driveways, and opposite driveways along the project site.				
Noise				
Mitigation Measure 3.5.1 – All project construction activities shall only occur between 7:00 a.m. and 8:00 p.m. daily and not on Sundays and legal holidays. Construction truck access and haul routes shall be reviewed and approved by the County prior to commencing work. Additionally, all construction personnel shall park on-site.	Project Applicant	Restrict construction activity to hours noted.	Los Angeles County Department of Public Works and Los Angeles County Department of Public Health	During construction
Mitigation Measure 3.5.2 – All construction equipment shall be in proper operating condition and fitted with standard factory noise attenuation features. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.	Project Applicant	Maintain construction equipment and implement noise controls on fixed equipment.	Los Angeles County Department of Public Health and Construction Contractor	During construction
Mitigation Measure 3.5.3 – The project shall incorporate design features and measures	Project Applicant	Locate parking, loading, trash bins, and mechanical	Los Angeles County Department of Public Health	Prior to issuance of

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
that locate noise sources such as parking areas, loading zones, trash bins, and mechanical equipment as far away from the noise sensitive receptor locations as possible to the satisfaction of the County Department of Public Health.		equipment as far away from residences, schools or other sensitive land uses.		building permit
Mitigation Measure 3.5.4: The noise generated by the project shall remain within standards dictated by the Los Angeles County Code, Title 12 Environmental Protection, Section 12.08.440 and other applicable sections.	Project Applicant	Monitor construction noise.	Los Angeles County Department of Public Health and Construction Contractor	During construction and occupancy
Mitigation Measure 3.5.5: In consideration of the nearest sensitive receptor, Media Arts and Entertainment Design Academy High School, noise from the project's air-conditioning or refrigeration equipment shall not exceed 55 dBA (Leq) on any point on the neighboring property line.	Project Applicant	Monitor air-conditioning and/or refrigeration equipment noise.	Los Angeles County Department of Public Health	Occupancy
Mitigation Measure 3.5.6: The proposed project is located within 500 feet of a residential area, therefore, collecting refuse with a collection vehicle between the hours of 10:00 PM and 6:00 AM is prohibited (LA County Code Title 12, Environmental Protection Section 12.08.520).	Project Applicant	Restrict refuse pick-up to the hours noted.	Los Angeles County Department of Public Health	Occupancy

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
Global Climate Change				
<u>Mitigation Measure 3.6.1</u> - Energy efficient appliances and office equipment (pursuant to Energy Star or Green Machine ratings or other equivalent rating systems) shall be utilized throughout the building.	Project Applicant/Tenant	Install energy efficient appliances.	Project Applicant/Tenant, Los Angeles County Department of Regional Planning, and Los Angeles County Department of Public Works	Occupancy
<u>Mitigation Measure 3.6.2</u> - The buildings shall be equipped with fluorescent lighting for all overhead lighting which uses 75% less energy than incandescent lighting while delivering the same amount of illumination.	Project Applicant/Tenant	Install fluorescent lighting to all overhead light fixtures.	Los Angeles County Department of Public Works	During construction and occupancy
<u>Mitigation Measure 3.6.3</u> – Measures to address the “urban heat island” effect shall be provided through the provision of light-colored roofing materials and the planting of shade trees within the parking lot, along the south and east sides of the restaurant building and along a majority of the perimeter of the project site.	Project Applicant	Install light-colored roofing materials and plant shade trees in the areas noted.	Los Angeles County Department of Regional Planning and Los Angeles County Department of Public Works	During construction and occupancy
Mitigation Monitoring				

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
Mitigation Compliance As a means of ensuring compliance of the above mitigation measures, the applicant and/or subsequent owner(s) are responsible for submitting annual mitigation compliance report to the Los Angeles County Department of Regional Planning for review, and for replenishing the mitigation monitoring account if necessary until such time as the mitigation measures have been implemented and completed.	Project Applicant and/or Subsequent Owner(s)	Submittal of annual mitigation compliance report; replenishing mitigation monitoring account.	Los Angeles County Department of Regional Planning	Annually until such time as all mitigation measures have been implemented and completed

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROJECT

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified unavoidable significant impacts to historic resources that will result from implementation of the proposed Project. CEQA Guidelines Section 15093(b) provides that when the decision of the public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the project against its unavoidable environmental risks when determining whether to approve the project. Pursuant to CEQA Guidelines Section 15093(a), the specific economic, legal, social, technological, or other benefits of the Project outweigh the unavoidable adverse environmental effects; those effects may be considered "acceptable." CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened, which is referred to as a "Statement of Overriding Considerations." Pursuant to CEQA Guidelines Section 15093(b), those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record.

The Los Angeles County Board of Supervisors finds that all feasible mitigation measures identified in the Final EIR within the purview of the County will be implemented with the Project, and that the remaining significant unavoidable effects to historic resources are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record as follows:

- The rehabilitated Golden Gate Theater and renovated restaurant would be consistent with the land use policies and intent of the East Los Angeles Community Plan by reducing blight in the community by redeveloping the long time vacant property that is currently in disrepair and deteriorating, with a use needed in the community, and creating a vital commercial development at a prominent commercial intersection.
- Implementation of the Project advances the goals and policies of the County General Plan (General Plan Land Use Goal No. 4, Policy No. 32, p. G-7 and County Land Use Policy Historic Sites and Structures, p. LU-A22) by promoting the preservation and enhancement of the Golden Gate Theater, and removing a blighting influence through the rehabilitation of the long-standing vacant building into a viable retail establishment.
- The rehabilitated Golden Gate Theater and renovated restaurant will provide and encourage additional private sector investment in the East LA Community.
- Implementation of the Project advances the Physical Environment Goal of the East Los Angeles Community Plan by renovating the vacant Golden Gate Theater and restaurant building to improve the aesthetic qualities of the East Los Angeles Community creating a positive aesthetic impact and otherwise positively contribute to the economic welfare of the local Community through job creation, revenue, and increased property value.

- The rehabilitated Golden Gate Theater and renovated restaurant will promote the strengthening of existing commercial job-producing activities to create more job opportunities for residents of East Los Angeles, thereby advancing an Economic Development Goal of the East Los Angeles Community Plan. The rehabilitated Golden Gate Theater and restaurant building to be occupied by a retail pharmacy is anticipated to employ 25 to 35 people while the future restaurant is anticipated to have additional six to eight employees.
- The rehabilitated Golden Gate Theater and renovated restaurant will induce and stimulate growth in the area, and with its improved site and building and community serving retail and dining, the Project will increase pedestrian activity and interest at the prominent commercial intersection and in the Community, thereby attracting a greater number of visitors.
- The rehabilitated Golden Gate Theater and renovated restaurant would promote the efficient delivery of services, such as health, public safety, and education as the retail pharmacy on the Project site will provide additional health services to the immediate East Los Angeles Community.
- The rehabilitated Golden Gate Theater occupied by a retail pharmacy is anticipated to generate six million dollars a year in taxable sales. State law provides a portion of the sales tax revenues to be dispersed to the County of Los Angeles for potential use in providing needed improvements and services to the Community at large.
- The rehabilitated Golden Gate Theater would implement General Plan Goal No. 4 Urban Areas Revitalized, Policy No. 32 and promote the preservation and enhancement of landmarks, sites, and areas of cultural, historical, archaeological and urban significance by sensitively rehabilitating the historical structure to conform to the Secretary's Standards to the maximum extent feasible, but allowing for the adaptation of the building to a reasonable productive use that permits it to convert back into the original theater use in the future.
- The rehabilitated Golden Gate Theater will advance the Circulation and Transportation Policy of the East Los Angeles Community Plan by requiring new commercial developments to provide parking which is designated to be compatible with adjoining businesses and residences, and meet strict development standards. The County Zoning Code requires the Project to provide a minimum of 41 on-site parking spaces to meet the needs of the proposed uses. The Project will provide a total of 44 on-site parking spaces, 3 spaces in excess of the minimum Code required spaces.

Considering all factors, the Los Angeles County Board of Supervisors finds that there are specific economic, legal, social, technological, and other considerations associated with the Project that outweigh the Project's significant unavoidable effects, and the adverse effects are therefore considered acceptable.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 2008-00136-(1)

1. This grant authorizes the sale of alcoholic beverages for off-site consumption and a drive-through pharmacy window at a proposed retail pharmacy, subject to the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose unless and until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 10 and 12. Notwithstanding the foregoing, this Condition No. 3 and Conditions Nos. 4 and 5 shall be effective immediately upon final approval of this grant by the County. The recorded affidavit shall be filed and the required monies shall be paid within three days of the approval of this grant.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of section 65009 of the California Government Code or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to reasonably cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit.

There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with section 2.170.010 of the Los Angeles County Code ("County Code").

- 6. If any provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
- 7. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Registrar-Recorder/County Clerk. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director").
- 8. **This grant will terminate on July 20, 2030**, unless renewed by the Director for one additional period of 10 years, not to exceed a total grant term of 30 years, upon the permittee's request made in accordance with the procedures set forth in Part 12 of Chapter 22.56 of the County Code and notification per subsection A.10.c of section 22.56.030 of the County Code. A request for Director's Review must be made at least six months before the expiration date. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new conditional use permit ("CUP") application shall be filed with Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether or not it includes a modification to the use at that time.
- 9. This grant shall expire unless used within two years from the date of final approval by the County. The date of final approval is the date of the approval action. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
- 10. The property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County the sum of \$4,000.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses

incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for 20 biennial (one every other year) inspections. Inspections shall be unannounced.

11. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file at Regional Planning. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost, whichever is greater.
12. Within three days of the approval date of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination for this project and its entitlements in compliance with section 21152 of the California Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code, the following applicable fee required is \$2,867.25 (\$2,792.25 for an Environmental Impact Report plus \$75 processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.
13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission or a County Hearing Officer may, after conducting a public hearing, revoke or modify this grant if it is found that these conditions have been violated, or that this grant has been exercised so as to be detrimental to the public health, safety, or so as to be a nuisance.
14. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities including, but not limited to, water mains, fire hydrants, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by said department.
15. All requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.

17. All structures in the development shall comply with the requirements of the Division of Building and Safety of the County Department of Public Works.
18. The permittee shall maintain the property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.
19. All landscaped areas shall be continuously and properly maintained in good condition.
20. A landscape plan shall be submitted to Regional Planning for review within 60 days of the date of approval for the CUP that complies with the requirements of the East L.A. Community Standards District.
21. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
22. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
23. Any sign to be located on the property is subject to a separate sign review that shall be filed with Regional Planning for review and approval. This CUP provides no exemptions to Title 22 of the County Code sign provisions, except for the re-use of the former Jim's Burgers sign, which is a legal non-conforming sign.
24. The placement of portable signs on sidewalks adjacent to the property and temporary signs on walls and poles is prohibited. No outdoor sales, storage, or display of merchandise is allowed.
25. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
26. The permittee is required to purchase for its use or to retire an existing alcohol license in the area as a condition to the issuance of the certificate of occupancy for the building. If at the time of occupancy, despite evidence provided to the Director of best efforts, the permittee requires additional time, the permittee may request additional time in writing from the Director. The Director will have the discretion to allow occupancy and grant time to purchase the required license.

27. The permittee shall abide by all requirements, licensing or otherwise, established for the sale of alcoholic beverages by the California State Department of Alcoholic Beverage Control ("ABC").
28. The shelf space devoted to the sale of alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment, and within 90 days of approval, the permittee shall submit a shelf plan depicting the area for sale of alcohol identified as Exhibit "B."
29. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit "B." No additional display of alcoholic beverages shall be provided elsewhere on the premises.
30. There shall be no beer sold in single containers less than one quart or in less than six-pack quantities if less than one quart size containers.
31. The consumption of alcoholic beverages shall be prohibited on the property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.
32. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering.
33. The pharmacy proposed for the property may operate 24 hours per day. All alcohol sales, however, shall be limited to the hours of 9:00 a.m. to 10:00 p.m. during all days of operation.
34. All employees authorized to sell alcoholic beverages shall participate in the License Education on Alcohol and Drugs (LEAD) Program offered by ABC. This training shall be ongoing and all new employees shall be required to attend. The permittee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program.
35. Exterior security cameras shall be installed to provide coverage of all entrances and exits. A video recording shall be made and retained for a period of at least two weeks.
36. The permittee shall provide adequate lighting above all entrances and exits to the premises. The lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises during operating hours and shall be designed to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining properties.
37. The permittee shall hire a security guard for the premises and the security guard shall be required to be on the premises during all hours of operation.

38. A minimum of 41 parking spaces shall be maintained on site, three of which must be for handicap parking. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use.
39. All parking lot lighting and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within 30 minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
40. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector, or ABC. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
41. The permittee shall comply with all mitigation measures identified in the attached Mitigation Monitoring and Reporting Program ("MMRP").
42. The permittee shall deposit the sum of \$3,000.00 with Regional Planning within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP.
43. The permittee shall abide by the following conditions related to the renovation of the former Golden Gate Theater:
 - a. The term "stabilized" shall mean "the act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present" (Stabilization Treatment Standard, The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1983).
 - b. The term "conserved" shall mean "preservation from loss, depletion, waste, or harm" (Martin E. Weaver. *Conserving Buildings: A Guide to Techniques and Materials*. New York: John Wiley & Sons, Inc., 1993).
 - c. References to "Gridlines" shall refer to the gridlines depicted on the floor plan marked Exhibit "C."
 - d. At least 75 percent of the available ceiling space consisting of the original lobby ceiling located between Gridlines G-J and Gridlines 1-6, the original underside of the balcony ceiling located between Gridlines C-F and Gridlines 1-6, and the original auditorium ceiling located between Gridlines B-D and Gridlines 1-6, shall remain exposed. This condition requires each of the identified, available ceiling spaces to remain 75 percent exposed. For purposes of this condition, "available ceiling space" shall mean the historic, decorative coffered portion of the ceiling with allowance for

existing and new penetrations to account for building systems. Treatment of the underside of the lobby ceiling, the underside of the balcony ceiling, and the original auditorium ceiling shall include painting, and exposed original gold ornamentation shall be stabilized and conserved.

- e. Four extant lighting fixtures mounted at the underside of the balcony ceiling shall be retained and used to provide lighting, if feasible, or if not feasible shall be retained for decorative purposes; however, the lighting fixtures may be moved within the underside of the balcony to provide visual balance. New florescent fixtures shall be designed so as not to detract from the historic elements.
- f. The original walls in the lobby and underside of the balcony area located between Gridlines C-J and Gridlines 1-6, shall be encapsulated behind new partition walls containing some of the tenant's retail display units, shelving, and lighting.
- g. New partition walls encapsulating the original auditorium walls between Gridlines B-C and Gridlines 1-6 shall not exceed 10 feet in height. New partition walls shall contain some of the tenant's retail display units, shelving, and lighting. Tenant graphic displays shall be permitted up to 15 feet in height. The original auditorium walls shall be exposed above the new partition walls and tenant graphic displays. The portion of the proscenium arch above 10 feet in height and the leading edge of the balcony shall be exposed. The ornament surrounding the two false balconies flanking the proscenium arch located midway between Gridlines B-C and between Gridlines 1-2 and between Gridlines 5-6 shall be at least 75 percent exposed. Treatment of the exposed walls shall include painting, and exposed original gold ornamentation shall be stabilized and conserved.
- h. The four existing lighting fixtures mounted at the underside of the balcony ceiling shall be retained in place or crated and stored on site. A minimum of one lighting fixture shall be included in the renovated interior and remain visible to the public. This fixture need not be kept in its original location.
- i. The lobby concession shell shall be crated and stored on site.
- j. The original auditorium floor shall be leveled in a reversible manner.
- k. The mezzanine shall be encapsulated.
- l. Original materials to be stored on site shall be inventoried and stored in the mezzanine or balcony. The inventory of all stored materials shall remain in the mezzanine storage area, and a copy shall remain on file at Regional Planning. The inventory shall include instructions stating that the original materials shall not be discarded. Storage crates shall be clearly

marked "do not discard" or similar language to indicate that the stored items shall not be discarded.

- m. The balcony and mezzanine shall be mothballed according to guidance provided by the National Park Service in *Preservation Brief 31: Mothballing Historic Building*, which includes three major actions: documentation, stabilization, and mothballing. Access to the mezzanine and balcony shall be provided by an exterior staircase.
- n. The tenant shall incorporate a minimum of six historic photographs and panels into the interior design that are at least 16-inch x 20-inch.

Attachment

Mitigation Monitoring Program (pages 1-13)

Golden Gate Theater Re-Use Project
909 & 933 S. Atlantic Boulevard/Project No. RCUP T200800136/Environmental Review No. RENV T200500198
Mitigation Monitoring Program

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
Aesthetics				
Mitigation Measure 3.1.1: Building security lighting and parking lot lighting shall be designed so that no substantial light or glare would impact nighttime views of the surrounding area.	Project Applicant	Design building and security lighting so that no substantial light or glare would impact nighttime views of the surrounding area.	Los Angeles County Department of Public Works and Los Angeles County Department of Regional Planning	During construction and Project lifetime
Mitigation Measure 3.1.2: Lighting shall be directed downward and inward to the greatest extent possible in order to limit lighting impacts, yet provide for adequate safety and security for building occupants and visitors.	Project Applicant	Direct lighting downward and inward to limit lighting impacts, yet provide adequate safety and security for building occupants and visitors.	Los Angeles County Department of Public Works and Los Angeles County Department of Regional Planning	During construction and Project lifetime
Mitigation Measure 3.1.3: Lighting design features that would reduce light and glare impacts shall be incorporated into the final project design. These features include the use of low wattage bulbs with prismatic glass coverings that inhibit the spread of light and the shielding of lights to reduce glare such that neither the light source nor its image from a reflective surface is directly visible from any point measured five feet from the property line.	Project Applicant	Incorporate lighting design features that would reduce light and glare impacts including the use of low wattage bulbs and prismatic glass coverings on exterior light fixtures.	Los Angeles County Department of Public Works and Los Angeles County Department of Regional Planning	During construction and Project lifetime
Cultural Resources				
Mitigation Measure 3.2.1: Maintenance, repair, stabilization, restoration, preservation, and conservation of all of the exterior and certain elements of the interior of the Golden	Project Applicant	Hire a professional architectural historian to oversee and advise on the rehabilitation plan, and	Los Angeles County Department of Regional Planning	Prior to issuance of building permit

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>Gate Theater Building shall be conducted in a manner consistent with the Rehabilitation Standards of the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Secretary's Standards, 1995), Weeks and Grimmer, as set forth in the Final EIR. Prior to the issuance of a building permit and to the satisfaction of the Los Angeles County Department of Regional Planning (DRP), the project developer shall retain a qualified professional architectural historian to prepare a Secretary's Standards conformance report, and oversee and advise on the rehabilitation of the Golden Gate Theater Building. Supervision will include activities relating to materials selection, construction methods, and aesthetic and physical exterior and interior alterations that are to be utilized, and the manner in which they are to be employed in rehabilitation of the historical resource. At a minimum, the project shall retain key elements essential to theater function, as set forth in the Final EIR. The design development plans shall be reviewed with the California Historical Building Code (CHBC, Part 8 of Title 24) provisions for compliance to the best reasonable extent.</p>		<p>review the design development plans against the State Historical Building Code for compliance to the maximum extent possible.</p>		
<p>Mitigation Measure 3.2.2: The Los Angeles County Historical Landmarks and Records</p>	Project Applicant	Obtain approval of the design development plans	Los Angeles County Department of Regional Planning and Los Angeles	Prior to issuance of

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Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
Commission shall review and approve the design development plans for consistency of the maintenance, repair, stabilization, restoration, preservation and conservation of the exterior and certain elements of the interior of the Golden Gate Theater Building as noted in Mitigation Measure 3.2.1 with the Secretary of the Interior's Standards for Rehabilitation.		from the Los Angeles County Historical Landmarks Commission	County Historical Landmarks Commission	building permits
Mitigation Measure 3.2.3: A "Historic American Building Survey" (HABS) documentation shall be prepared to the satisfaction of the DRP. Such a procedure involves the recording of the structure through a written report and large-format photographs. The documentation would be completed on standardized forms and would be accurate in detail to such an extent that after alteration, the structure could be restored/reconstructed from the survey data. Copies of the documents shall be filed with the appropriate State (State of California, Office of Historic Preservation) and local repositories (Los Angeles County Central Library).	Project Applicant	Submit a Historic American Building Survey for approval by Los Angeles County Department of Regional Planning; the survey shall be filed once approved	Los Angeles County Department of Regional Planning, State of California Office of Historic Preservation, and Los Angeles County Central Library	Prior to issuance of building permits
Mitigation Measure 3.2.4: All repair and cleaning work on architecturally or historically significant features shall be conducted according to the design development plans and specifications prepared by a qualified preservation architect to the satisfaction of the Department of Regional Planning. In addition, the repair and cleaning work shall be	Project Applicant	Have design development plans and specifications prepared by a qualified preservation architect. Hire an experienced and qualified contractor to repair or clean any of the historically significant features.	Los Angeles Department of Public Works and Los Angeles County Department of Regional Planning	Prior to issuance of building permit and during construction

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>conducted by a contractor experienced and qualified in the repair or cleaning of such features as ornamental plaster and iron work.</p> <p>Mitigation Measure 3.2.5: A Secretary's Standards conformance report shall be prepared by a qualified professional architectural historian identified in Mitigation Measure 3.2.1 to evaluate the design development plans of the modified project design for conformance with the Secretary of the Interior's Standards for Treatment of Historical Properties noted in Mitigation Measure 3.2.1. The design development plans shall include, but not limited to, the following:</p> <ul style="list-style-type: none"> ▪ A study of options to minimize the number of attachments necessary to connect banner signage to the building exterior if any banner signage is proposed. ▪ A study on the feasibility of heating and cooling the high volume auditorium space. A range of options for treatment of the high volume auditorium space between the balcony edge and stage shall be evaluated based on specific needs of the tenant, with the goal of exposing the volume of the space and decorative ceiling and walls to the maximum extent feasible. In addition, cleaning of the attic space between the historic ceiling and the roof of the 	Project Applicant	<p>Minimize the number of attachments necessary to connect banner signage to the building; Expose as much volume of space in the auditorium area between the balcony and edge of the stage as reasonably possible; treat the walls to emphasize the stage space; expose the coffered underside of the balcony as reasonably possible; retain the fire escape stairs if possible; paint the building the color recommended by the qualified architectural historian; conduct required studies</p>	Los Angeles County Department of Regional Planning and Los Angeles County Historical Landmarks Commission	Prior to issuance of building permit

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>auditorium shall be studied and the treatment of this issue may factor into the ability to expose all or certain portions of the historic ceiling.</p> <ul style="list-style-type: none"> A study of a range of options for treatment of the new wall to emphasize the stage space. It may be painted in <i>tromp l'oeil</i> fashion to mimic a partially drawn-up stage curtain or will otherwise finished in a fashion emphasizing the stage area. A range of options for treatment of the coffered underside of the balcony shall be evaluated based on specific needs of the tenant. A suspended grid system incorporating light fixtures without acoustical ceiling tiles (exposing the underside of the balcony) shall be considered. Further consideration on the retention rather than removal of the existing fire escape stair on the east elevation. Selection of paint color choices for the building exterior based on tenant needs and recommendations provided by the qualified architectural historian identified in Mitigation Measure 3.2.1. 				
<p><u>Mitigation Measure 3.2.6:</u> The decorative features, including ornament and openings on the north elevation shall be retained and shall be cleaned and maintained with gentlest</p>	Project Applicant	Clean and maintain the exterior of the building using the gentlest means possible	Los Angeles County Department of Regional Planning	During construction and project operation

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
means possible at less than 400 psi, to be determined after inspection and recommendation by a qualified masonry restoration specialist.				
<u>Mitigation Measure 3.2.7:</u> Detailed, hand measured drawings and selective templates prepared by a qualified preservation architect shall be made of the lobby stair for possible future reconstruction.	Project Applicant	Provide hand measured drawings of the lobby stair.	Los Angeles County Department of Regional Planning	Prior to issuance of building permit
<u>Mitigation Measure 3.2.8:</u> Alterations to the Golden Gate Theater building (interior or exterior) shall be prohibited until a tenant has signed a lease.	Project Applicant	Submit a signed lease by the tenant prior to any alterations to the building being conducted.	Los Angeles County Department of Regional Planning	Prior to issuance of building permit
Solid Waste				
<u>Mitigation Measure 3.3.1</u> – The project shall implement a recycling program for the diversion of recyclable cardboard packaging materials. The program will entail the separation of eligible materials from its solid waste stream for transfer to and re-use by recycling entities.	Project Applicant	Implement a recycling program.	Los Angeles County Department of Public Works	Occupancy
<u>Mitigation Measure 3.3.2</u> – The project shall provide recycling bins to promote recycling of paper, metal, glass, and other recyclable	Project Applicant	Provide recycling bins on the site.	Los Angeles County Department of Public Works	During Occupancy

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
materials.				
<u>Mitigation Measure 3.3.3</u> – The project shall comply with Chapter 20.87 of the Los Angeles County Code requiring that a minimum of 50% of the construction and demolition debris generated by the proposed project be recycled or reused. A Construction and Demolition Debris Recycling and Reuse Plan shall be filed with the Los Angeles County Department of Public Works and an approval shall be obtained in conformance with the County Code requirements. Recycling and reuse of the construction and demolition debris shall be performed in accordance with the approved plan, and the requisite Progress Report Form(s), Final Compliance Report Form, and any required Recycling and Reuse Amendment Forms shall be submitted as required.	Project Applicant	Prepare a recycling and Reuse plan that requires 50% of the demolition and construction debris to be recycled.	Los Angeles County Department of Public Works	During construction
<u>Mitigation Measure 3.3.4</u> : The proposed re-opening of the Jim's Burgers building as a restaurant shall require provision of a grease treatment device and shall be subject to review and approval by the County Department of Public Works.	Project Applicant	Install a grease treatment device.	Los Angeles County Department of Public Works	During construction
<u>Mitigation Measure 3.3.5</u> : Should any operation within the subject project include the construction, installation, modification, or removal of underground storage tanks,	Project Applicant	Obtain approval and operating permits if required	Los Angeles County Department of Public Works	During construction

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
Industrial waste treatment or disposal facilities, and/or storm water treatment facilities, Public Works' Environmental Programs Division shall be contacted for required approvals and operating permits				
Traffic				
Mitigation Measure 3.4.1: The eastbound approach of Whittier Boulevard to Atlantic Boulevard, adjacent to the site shall be widened to provide an eastbound right-turn lane to the satisfaction of the Los Angeles County Department of Public Works. The new lane shall be 100 feet in length, measured from the existing crosswalk/limit line. A 60 foot long transition shall connect the new, widened curb to the existing curb in front of the new commercial development to the west of the pharmacy site. The right-turn lane shall be 12 feet wide and the two straight lanes adjacent to it shall each be widened by re-striping from 10 feet to 11 feet.	Project Applicant	Construct the required street improvements along Atlantic Boulevard.	Los Angeles County Department of Public Works	During Construction

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<u>Mitigation Measure 3.4.2:</u> In order to maintain the existing sidewalk width of 15 feet, the project developer shall dedicate a width of approximately six feet along the entire Whittier Boulevard frontage of the drug store site.	Project Applicant	Dedicate 6 feet along Whittier Boulevard.	Los Angeles County Department of Public Works	Prior to issuance of grading or building permit
<u>Mitigation Measure 3.4.3:</u> All truck traffic associated with project construction shall utilize Atlantic Boulevard or any other acceptable haul route for access to and from the project site to the satisfaction of the Los Angeles County Department of Public Works.	Project Applicant	All truck traffic during construction shall use Atlantic Boulevard.	Los Angeles County Department of Public Works	During construction
<u>Mitigation Measure 3.4.4:</u> Prior to the issuance of grading or building permits, the following items shall be submitted to the Los Angeles County Department of Public Works, Traffic and Lighting Division for review and approval: <ul style="list-style-type: none"> 1) Detailed striping and traffic signal plans for the proposed mitigation measures. The plans shall include any necessary modifications to the existing photo red light system at the intersection of Atlantic Boulevard at Whittier Boulevard. 2) A 40-foot-scale site plan of the project showing site access 	Project Applicant	Submittal and approval of striping and traffic signal plans.	Los Angeles County Department of Public Works	Prior to issuance of grading or building permit

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
locations, interior circulation, parking, adjacent intersections/driveways, and opposite driveways along the project site.				
Noise				
Mitigation Measure 3.5.1 – All project construction activities shall only occur between 7:00 a.m. and 8:00 p.m. daily and not on Sundays and legal holidays. Construction truck access and haul routes shall be reviewed and approved by the County prior to commencing work. Additionally, all construction personnel shall park on-site.	Project Applicant	Restrict construction activity to hours noted.	Los Angeles County Department of Public Works and Los Angeles County Department of Public Health	During construction
Mitigation Measure 3.5.2 – All construction equipment shall be in proper operating condition and fitted with standard factory noise attenuation features. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.	Project Applicant	Maintain construction equipment and implement noise controls on fixed equipment.	Los Angeles County Department of Public Health and Construction Contractor	During construction
Mitigation Measure 3.5.3 – The project shall incorporate design features and measures that locate noise sources such as parking areas, loading zones, trash bins, and mechanical equipment as far away from the	Project Applicant	Locate parking, loading, trash bins, and mechanical equipment as far away from residences, schools or other sensitive land uses.	Los Angeles County Department of Public Health	Prior to issuance of building permit

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
noise sensitive receptor locations as possible to the satisfaction of the County Department of Public Health.				
<u>Mitigation Measure 3.5.4:</u> The noise generated by the project shall remain within standards dictated by the Los Angeles County Code, Title 12 Environmental Protection, Section 12.08.440 and other applicable sections.	Project Applicant	Monitor construction noise.	Los Angeles County Department of Public Health and Construction Contractor	During construction and occupancy
<u>Mitigation Measure 3.5.5:</u> In consideration of the nearest sensitive receptor, Media Arts and Entertainment Design Academy High School, noise from the project's air-conditioning or refrigeration equipment shall not exceed 55 dBA (Leq) on any point on the neighboring property line.	Project Applicant	Monitor air-conditioning and/or refrigeration equipment noise.	Los Angeles County Department of Public Health	Occupancy
<u>Mitigation Measure 3.5.6:</u> The proposed project is located within 500 feet of a residential area, therefore, collecting refuse with a collection vehicle between the hours of 10:00 PM and 6:00 AM is prohibited (LA County Code Title 12, Environmental Protection Section 12.08.520).	Project Applicant	Restrict refuse pick-up to the hours noted.	Los Angeles County Department of Public Health	Occupancy
Global Climate Change				
<u>Mitigation Measure 3.6.1</u> - Energy efficient appliances and office equipment (pursuant to	Project Applicant/Tenant	Install energy efficient appliances.	Project Applicant/Tenant, Los Angeles County Department of	Occupancy

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
Energy Star or Green Machine ratings or other equivalent rating systems) shall be utilized throughout the building.			Regional Planning, and Los Angeles County Department of Public Works	
Mitigation Measure 3.6.2 - The buildings shall be equipped with fluorescent lighting for all overhead lighting which uses 75% less energy than incandescent lighting while delivering the same amount of illumination.	Project Applicant/Tenant	Install fluorescent lighting to all overhead light fixtures.	Los Angeles County Department of Public Works	During construction and occupancy
Mitigation Measure 3.6.3 - Measures to address the "urban heat island" effect shall be provided through the provision of light-colored roofing materials and the planting of shade trees within the parking lot, along the south and east sides of the restaurant building and along a majority of the perimeter of the project site.	Project Applicant	Install light-colored roofing materials and plant shade trees in the areas noted.	Los Angeles County Department of Regional Planning and Los Angeles County Department of Public Works	During construction and occupancy
Mitigation Monitoring				
Mitigation Compliance As a means of ensuring compliance of the above mitigation measures, the applicant and/or subsequent owner(s) are responsible for submitting annual mitigation compliance report to the Los Angeles County Department of Regional Planning for review, and for replenishing the mitigation monitoring account if necessary until such time as the mitigation	Project Applicant and/or Subsequent Owner(s)	Submission of annual mitigation compliance report; replenishing mitigation monitoring account.	Los Angeles County Department of Regional Planning	Annually until such time as all mitigation measures have been implemented and completed

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
measures have been implemented and completed.				